

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

Index

**1st Special Session**

January 6, 1970 to February 7, 1970

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, June 19, 1969

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

Prayer by the Rev. Mr. Charles Karsten of Gardiner,

The journal of yesterday was read and approved.

**Conference Committee Report**

Report of the Second Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687) reporting that the House recede from passage to be engrossed on H. P. 1151, L. D. 1473, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House in accepting the Minority Report reporting "Ought to pass" in new draft (H. P. 1151) (L. D. 1473) under title of "An Act Providing for Presidential Preferences in Primary Election", adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

BIRT of East Millinocket  
PORTER of Lincoln  
STARBIRD

of Kingman Township  
—Committee on part of House.

TANOUS of Penobscot  
DUNN of Oxford

KELLAM of Cumberland  
—Committee on part of Senate.

Report was read.

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

Mr. BIRT: Mr. Speaker and Members of the House: Due to a mistake in drafting I move that the Conference Committee Report be rejected and a new Conference Committee appointed.

Thereupon, the Conference Committee Report was rejected.

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

further insist and ask for a third Committee of Conference.

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

Messrs. BIRT of East Millinocket  
PORTER of Lincoln  
STARBIRD  
of Kingman Township

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980) reporting that they are unable to agree.

(Signed)

LINCOLN of Bethel  
OUELLETTE

of South Portland  
CURTIS of Bowdoinham  
—Committee on part of House.

CONLEY of Cumberland  
VIOLETTE of Aroostook  
MILLS of Franklin

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve relating to Retirement Allowance for Hal G. Hoyt of Augusta (H. P. 868) (L. D. 1110) reporting that they are unable to agree.

(Signed)

BRAGDON of Perham  
KEYTE of Dexter

CUSHING of Bucksport  
—Committee on part of House.

HANSON of Kennebec  
MINKOWSKY

of Androscoggin  
BARNES of Aroostook

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

**Papers from the Senate**

**Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Proposing an Amendment to the Constitution Providing for Annual Legislative

Sessions (S. P. 1) (L. D. 15) reporting that they are unable to agree.

(Signed)

BERRY of Cumberland  
KATZ of Kennebec  
BELIVEAU of Oxford

— Committee on part of Senate.

DENNETT of Kittery  
RIDEOUT of Manchester  
DONAGHY of Lubec

— Committee on part of House.

Came from the Senate with the Report read and accepted.

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

#### Conference Committee Report

Report of the Committee of Concurrence 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) reporting that they are unable to agree.

(Signed)

QUINN of Penobscot  
HOFFSES of Knox  
GORDON of Cumberland  
— Committee on part of Senate.  
McTEAGUE of Brunswick  
DURGIN of Raymond  
HASKELL of Houlton

— Committee on part of House.

Came from the Senate with the Report read and accepted.

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

From the Senate: The following Order:

Whereas, the divorce crisis in America is a national disgrace, annually involving 1,250,000 adults and children in litigation; and

Whereas, the State of Maine Division of Vital Statistics records 26% of the marriages in this State end in divorce; and

Whereas, a national movement has been instigated to promote the stability of marriage thereby reducing the divorce rate; and

Whereas, furtherance of this movement can only be accomplished by studying the causes of divorce and its effect on our society in conjunction with the introduction and support of corrective legislation; now, therefore, be it

ORDERED, the House concurring, that a special commission shall be constituted and appointed to study the feasibility of establishing a State Department of Family Relations whose official duties shall be conducted in accordance with the following objectives set forth in Legislative Document 1382 introduced at the regular session of the 104th Legislature:

To reconcile families in difficulty whenever possible and to reduce divorce rates;

To promote stability of marriage;

To eliminate adversary proceedings in divorce;

To reduce the crime rate as caused by broken homes;

To limit divorces to those marriages where disharmony cannot be cured after application of trained reconciliation services;

To provide education, both premarital and marital, to reduce marital problems and divorces; and

To conduct research in better techniques, organization, methods and better trained services to carry out the above objectives; and be it further

ORDERED, that the membership of the commission shall be constituted and appointed as follows:

Two judges to be appointed by Chief Justice from either the Supreme or Superior Courts, 2 lawyers to be appointed by President of Maine Bar Association and 2 sociologists or psychologists, 2 psychiatrists and 2 laymen to be appointed by the Governor with the advice and consent of the Council and the President of the Senate and the Speaker of the House who shall serve as ex officio members; and be it further

ORDERED, that the special commission be given custody of all reports, documents and any other information concerning the subject presently in the files of the appropriate committee; and authority to hold hearings if deemed necessary; to appoint advisory committees, to confer when and if deemed appropriate with staff members of state departments and other agencies, with

staff and members of appropriate federal commissions, departments and agencies, and nongovernmental research sources, for specific information; and to report, the special committee findings, conclusions and recommendations, including any necessary legislation, at the next regular or special session of the Legislature. (S. P. 509)

Came from the Senate read and passed.

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

From the Senate: The following Resolution:

WHEREAS, John L. Lewis, president emeritus of the United Mine Workers', died Wednesday, June 12, 1969, at the age of 89; and

WHEREAS, Mr. Lewis served as president of the mine workers' union for 40 years, until his retirement in 1960; and

WHEREAS, during this time he became a legendary giant in the American labor movement known to and respected by many; and

WHEREAS, one of his greatest contributions to the American way of life recognized that public officials are servants of the people and to defy them was not insolence or disrespect but the efforts as an American citizen to direct their activities; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of the 104th Legislature of the State of Maine assembled, record in the passing of John Llewellyn Lewis, the loss of a national leader in the labor movement and an outstanding figure of our time; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be forwarded to District 15 officials of the United Mine Workers' of the State of Maine at their Washington office (S. P. 517)

Came from the Senate read and adopted.

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

**Reports of Committees  
Ought Not to Pass**

**Covered by Other Legislation**

Report of the Committee on Natural Resources on Bill "An Act Creating the Maine Mineral Land

Conservation Act" (S. P. 228) (L. D. 658) reporting "Ought not to pass," as covered by other legislation.

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft**

Report of the Committee on Natural Resources on Bill "An Act to Provide Certain State Level Land Use Controls" (S. P. 270) (L. D. 908) reporting same in a new draft (S. P. 501) (L. D. 1596) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-295) was read by the Clerk and adopted in concurrence, and the New Draft assigned for third reading tomorrow.

**Non-Concurrent Matter**

An Act relating to the Uniform Disposition of Unclaimed Property Act (S. P. 267) (L. D. 905), which was passed to be enacted in the House on March 25 and passed to be engrossed as amended by Committee Amendment "A" on March 19.

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

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

**Non-Concurrent Matter  
Tabled Until Later in Today's  
Session**

Report of the Committee on Appropriations and Financial Affairs on Resolve to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine (S. P. 364) (L. D. 1246) reporting Leave to Withdraw, which was recalled from the Legislative Files pursuant to Joint Order (S. P. 494)

Came from the Senate with the Resolve substituted for the Report and indefinitely postponed.

In the House: On motion of Mr. Martin of Eagle Lake, tabled pending further consideration and assigned for later in today's session.

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

An Act relating to State Employees' Suggestion Awards Board and Providing Funds to Activate the Awards Program (H. P. 208) (L. D. 258) which was passed to be enacted in the House on March 11 and passed to be engrossed as amended by Committee Amendment "A" on February 27.

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

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

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

Bill "An Act to Revise the Liquor Laws" (H. P. 1224) (L. D. 1556) which was passed to be engrossed as amended by House Amendments "A" and "B" in the House on June 4.

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

In the House:

On motion of Mr. Hichens of Eliot, the House voted to recede.

Senate Amendment "A" (S-249) was read by the Clerk.

Mr. Hichens of Eliot offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-568) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I can't seem to locate the amendment. I wonder if the gentleman from Eliot, Mr. Hichens could tell us what the amendment is.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin poses a question through the Chair to the gentleman from Eliot, Mr. Hichens, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. HICHENS: The amendment is on your desk having just been distributed under filing number H-568. A few days ago during the debate concerning the sale of wines in grocery stores a member of the Liquor Control Committee expressed concern over the fact that a bill was coming up before us permitting seventeen-year-olds as take-out clerks in these grocery stores and handling these wine sales. The sponsor of the wines bill stated that if such a bill came before us he would oppose it. Following the session several members of the House made similar statements.

Now we have before us the Senate Amendment to give seventeen-year-olds permission to handle beer but it restricts wine sales to eighteen-year-olds.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by House Amendments "A" and "B" and Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence.

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

An Act relating to Civil Service Commission in City of Auburn (H. P. 1248) (L. D. 1583) which was indefinitely postponed in non-concurrence in the House on June 13 and passed to be engrossed on June 9.

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

In the House:

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

Mr. ROCHELEAU: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Auburn, Mr. Rocheleau moves that the House recede and concur.

Whereupon, Mrs. Baker of Orrington requested a vote.

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I have a little interest in this Auburn Fire Department. You see I live in the town of Durham and I had a fire once. We are the next town to Auburn. And Durham had the engine out of their fire truck and Lisbon Falls had something wrong with theirs, so we called Auburn. Now all my outbuildings was burning, the cattle shed and the hen houses and everything like that. The Auburn Fire Department came down just as the paint was pouring right off the side of my barn, any minute you would think the hay inside was going to catch, and put it out. Now this bill here just gives the Auburn Fire Department, which I feel kindly towards, a little security in their jobs. The way I understand it for forty years they was covered by civil service and then they rewrite the charter and they forgot it. Well that is a simple mistake. I forget a few things myself. And they intended to get it back in and that is exactly what this L. D. will do, it just puts it back in the way it was before. So I support the firemen in the City of Auburn.

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

Mr. DRIGOTAS: Mr. Speaker, Ladies and Gentlemen of the House: The City Council of Auburn voted Monday at its regular Council meeting, naturally 4 to 1, to stand firm in its objection to the return of the Civil Service Committee to the charter. They felt that the Auburn Civil Service is adequately covered by the City ordinances. You will recall that as once pointed out to you that they were carefully drawn and approved by the firemen and policemen before passage. The vote was unanimous at that time and that vote included the vote of Councilman Emery. Now this is a matter of record.

Another serious objection to L. D. 1583 is the fact that it would establish preferential treatment for the firemen over the policemen. May I also point out to you that perhaps in — oh, 70% of the larger

communities in the State of Maine that civil service is administered by local ordinance, purely a matter that should be locally controlled rather than having them come up here with every whim that ever arises, to have people from Aroostook County, from Sanford, from wherever it might be, delve into Auburn's affairs. I therefore am against the receding and concurring motion.

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

Mr. EMERY: Mr. Speaker and Members of the House: You have heard the gentleman from Auburn, Mr. Drigotas speak on this bill. You have heard him speak on this bill before when the bill was before the House. At the time I did not speak out in rebuttal. Today when this bill has been returned successfully from the Senate I can no longer remain silent. The so-called good friend of our firemen, Mr. Drigotas made a statement concerning this bill.

I will now state that the gentleman stated that I had voted along with four other City of Auburn councilmen to oppose this bill. Before me I have the certified records of the minutes of a Council meeting dated April 7, 1969, at-test: Leroy E. Linnell, City Clerk, Auburn Maine. Page 17 of the minutes of the Auburn City Council Meeting of April 7, 1969, Report on the motion made by Councilman Skelton of the Auburn City Council, that the Council go on record opposing L. D. 1302, which is before us today as L. D. 1583 in a redraft, was seconded and the vote was four yeas, Councilman Emery abstaining.

If you will be so kind as bear with me for a few minutes longer, I have a clipping pertaining to this bill dated June 17, 1969, Lewiston Daily Sun, Lewiston, Maine. In this clipping are sections pertaining to this bill before us and I believe they are relevant as to why this bill is here. In this clipping "a few minutes later the Council added to the agenda an item and this item was pertaining to the Auburn City Council meeting which was printed in this

paper, an item which was labeled as a discussion of the Civil Service bill before the Legislature. This discussion eventually wound up with the Council again by a 4 to 1 vote authorizing City Manager Brackett to expend up to \$500 to hire lobbyists to work against this bill.

At the outset of the discussion, Councilman Skelton pointed out that the City ordinance presently sets forth civil service requirements that are in effect. He said the bill has had two favorable readings in the House of Representatives and two in the Senate, was defeated once in the House as the result of what he termed successful lobbying by the City Solicitor Webber. Mr. Skelton said whoever has spent considerable time in Augusta working against the bill and here Skelton said, the bill should be defeated, but that Webber was unable to continue with his lobbying activities.

Skelton then presented the motion that the City Manager be authorized to secure the services of an agent or representative of the City generally known as a lobbyist who can work for the defeat of the bill. The motion also set the maximum expenditure at \$500. Councilman Emery then said he was present in the Legislature when a bill was signed by the Mayor and four other members of the Council was read. It indicated their opposition to the Civil Service bill. The other three Councilmen said this communication was never authorized by a vote of the Council. This is a violation which made the Mayor and each member of the Council liable to a \$500 fine. Councilman Skelton said he had the letter drafted after making known to Representative Frank Drigotas of Auburn his opposition to the bill. He said Representative Drigotas asked that he be given a letter so stating Skelton's sentiments and Skelton had the letter prepared and gained other signatures. He stated that I do not feel that this was an official action of four Councilmen and a Mayor but rather an expression of their personal sentiments. It was read into the record as such, said Councilman Emery. It was not so intended said Skelton.

Mayor Goudey said no vote was taken by the Council and that those who signed the letter did so as individuals, stating their aversion to what was transpiring in Augusta."

Ladies and gentlemen of the House, it is rather hard to sit here today and listen to the debate when a local power block spends tax dollars, hard earned tax dollars of a very hard working people on lobbyists to defeat a bill that would go back to the people, this would be ultimate; this bill has a referendum clause. \$500 is not a very large sum nowadays but the fact remains that these are public funds, funds that are supposed to be used for such purposes as street repair, school lunch programs and so forth. These tax dollars certainly could bring happiness to many little needy children in the way of socks or shoes or other items. I know of many needy families that could have holiday dinners with these lobbying funds. Therefore I support the motion to recede and concur. Thank you.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise rather reluctantly to get into this because this is not my area of estate at all. But I would like to, just to clear something up in my own mind, pose a question through the Chair to Mr. Emery if he would care to answer and quote from the horse blanket of June 13. Mr. Emery made the statement that, "The majority of citizens of Auburn want to see these firemen receive job security. This is the true intent of this bill. Our policemen and other departments are not included because they did not want to share in the expenses relative to the preparation of this bill. I am a member of the Auburn City Council and I support this bill 100%." This is a quote from the statement of Mr. Emery. Now I would like to know what this means by the expenses incurred in the preparation of the bill and was this lobbying expenses or just what was it.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam poses



a question through the Chair to the gentleman from Auburn, Mr. Emery who may answer if he chooses. The Chair recognizes that gentleman.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the question, these expenses were incurred in having the bill drafted and these are the only expenses I know of. Thank you.

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

Mr. DRIGOTAS: Mr. Speaker, in reply to the honorable Representative Emery, the vote that I referred to was taken when the ordinances were being drawn concerning civil service about a year ago, not this month of June as the honorable Mr. Emery has stated. And I refer back to a letter here, signed by the other four Councilmen and the Mayor of Auburn, and the last passage in it is, "The vote for passage was unanimous," and of course included Councilman Emery. And that was about a year or so ago when the ordinances were being considered and not this June as Mr. Emery has stated.

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

Mr. ROCHELEAU: Mr. Speaker and Members of the House: I have here a paper signed by the delegation "We, the undersigned representatives of Androscoggin County are in favor of the passage of L. D. 1583, as amended, An Act Relating to Civil Service Commission in City of Auburn," and I will not prolong the issue but I will read the members: Representative Emery, Representative Couture, Representative Cote, myself, Representative Jalbert, Representative Buckley, Representative Tanguay, Representative Ricker, Representative Marquis, Representative Hunter. Further statement, I, myself and me, underwriter of insurance. And I can see the repercussion that can be under this amendment whereas if the City charter has the civil service, it can be of any way that the rates could go up and being a fire underwriter I can see the repercussion on that. I have no animosity with the Council members and I abhor the tactics of hiring

and I repeat they hired a lobbyist to fight this bill to the tune of \$500. I think this is fiscal irresponsibility on the part of the management of Auburn.

I therefore move you recede and concur, and whereas this is going to referendum I think the people of Auburn should vote on this. Thank you.

Mr. Drigotas of Auburn was granted permission to speak a third time.

Mr. DRIGOTAS: This is getting more involved, Mr. Chairman, Ladies and Gentlemen of the House, than I ever believed it would, but certain facts must be brought out. I have established and I do know that it is not improper for communities to hire a lobbyist to take care of their needs. I am also, and I am certain and know this for a fact, that whosoever and whosoever is connected as Attorney Curtis is, as City Solicitor for the City of Auburn, that he serves in the capacity of a lobbyist without remuneration, that this is perfectly permissible. He is properly registered and he was here in the interest of the City and not for any personal pecuniary gain.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am chagrined at getting into this thing. However, it is a controversial issue and I am Chairman of the delegation. I have no feeling but friendship towards any one member of the Auburn delegation, particularly the gentleman from Auburn, Mr. Drigotas with whom I was brought up from the age of eight or nine. However, I might want to correct just one thing, the gentleman who is presently in the third House—and I don't have any objections to anybody being in the third House, but the gentleman happens to be a resident of the City of Portland and he is not the City Solicitor from Auburn, he is a resident of the City of Portland and I think that is going a little bit far afield. That is as far as I will go, as far as taking sides on the merits or demerits of the bill.

By the same token I think last week I batted my head against the wall wherein it concerned home

rule in being on the ballot. It is going to be on the ballot at the next election. This thing calls for home rule. It calls for the citizens of the City of Auburn to straighten out a controversial issue within their own Council and within the Legislature, and I think that is fair enough. I shall support Mr. Rocheleau.

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

Mr. LABERGE: Mr. Speaker and Members of the House: I am a businessman from Auburn. I once lived in Auburn and I am in support with Drigotas.

The SPEAKER: The Chair will order a vote. The pending question is receding and concurring. All in favor of receding and concurring will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 77 having voted in the affirmative and 40 having voted in the negative, the motion prevailed.

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

Mr. DRIGOTAS: Mr. Speaker, would it be improper to ask if this could be referred to a Committee of Conference?

The SPEAKER: The Chair would advise the gentleman that the House has receded and concurred, which is a motion of priority and it has been adopted.

### Orders

On motion of Mr. Snow of Caribou, it was

ORDERED, that William Benson of Southwest Harbor be appointed to serve as Honorary Page for today.

On motion of Mr. Barnes of Alton, it was

ORDERED, that Sharon Barnes and Larry Barnes of Augusta be appointed to serve as Honorary Pages for today.

### House Reports of Committees Ought Not to Pass

#### Covered by Other Legislation

Mr. Heselton from the Committee on Judiciary on Bill "An Act to Increase the Penalties for the

Sale and Possession of Marijuana, and Narcotic and Hallucinatory Drugs" (H. P. 562) (L. D. 743) reported "Ought not to pass", as covered by other legislation.

The Report was read and accepted and sent up for concurrence.

### Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Controlling the Sale and Possession of Cannabis (Marijuana) and Peyote" (H. P. 561) (L. D. 742) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook  
MILLS of Franklin  
QUINN of Penobscot  
— of the Senate.

Messrs. DANTON  
— of Old Orchard Beach  
MORESHEAD of Augusta  
BERMAN of Houlton  
BRENNAN of Portland  
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

Report was signed by the following members:

Messrs. HEWES  
— of Cape Elizabeth  
FOSTER  
— of Mechanic Falls  
HESELTON of Gardiner  
— of the House.

Reports were read.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves the acceptance of the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. JALBERT: Mr. Speaker and Members of the House: I hope that you defeat the motion of the gentleman from Houlton, Mr. Ber-

man. There were two bills as presented before the Judiciary Committee. One would call for mandatory sentence on all drugs at the very first offense. The other bill called for substantially mandatory sentences also, but one has been withdrawn and we now substantially are with two measures, the Report "A" that the gentleman from Houlton, Mr. Berman would have you accept, in effect calls for the elimination of all mandatory sentences at any time, be it the first, second, fifth, sixth or seventh offense.

My bill, Report "B", would call in substance that it would have mandatory sentences for all after the first offense—that is from the second offense on, from the second offense and subsequent offenses.

Mr. Speaker and members of the House, I think that Report "B" has what we really want to get at and certainly I hope that Report "A" is not accepted so that I can make a motion then to accept the bill that we really should pass, Report "B", and when the vote is taken I ask for the yeas and nays.

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

Mr. LEWIN: Mr. Speaker and Members of the House: I would speak this morning in behalf of amendment "B" to L. D. 742. Like many others I am deeply concerned with the impact of marijuana and other drugs on the health of our young people today—yes, and our older people as well, in our State and throughout the country. I think that House Amendment "B", Report "B" is a step in the right direction to make this L.D. an effective piece of legislation. I hope that you will not go along this morning with the motion by the gentleman from Houlton to accept the Majority Report.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: As I read the Majority Report with the committee amend-

ment, there is mandatory sentencing on the second offense or after the second offense. It says, "Except in the case of a conviction for a first offense for violation of this chapter, the imposition or execution of sentence shall not be suspended. Parole shall not be granted until the minimum imprisonment herein provided for the offense shall have been served." So as far as second offenses are concerned there are mandatory sentences. This just permits the possibility of probation on the first offense.

Now I would like to read a copy of a letter I received regarding mandatory sentencing from the Director of the Bureau of Corrections, Robert R. Raines. This was in reference to mandatory sentences on crimes committed with firearms, but the principle involved is basically the same thing. And the letter says:

"Gentlemen:

Because I was out-of-state the day this bill was heard, I was unable to oppose its passage. I would like to present my views concerning this L. D.

We, in the Bureau of Corrections, and all the wardens and superintendents of our correctional institutions in the State of Maine, oppose mandatory sentencing. We favor the Model Sentencing Act since all offenders have definite behavioral patterns, psychological attitudes and personalities, with different types of circumstances surrounding their crimes. Therefore, cases need to be reviewed individually, for no set mandatory time is going to cure individual problems. In fact, we would like to recommend that eventually all sentences have a maximum limit, but with no minimum, so that the primary functions of a parole board system can operate and be beneficial to the individual offender."

Now I think again it is very significant that the experts in the field are people that were paid to run our institutions, the people that had some training and background in this area, are opposed to the concept of mandatory sentencing. So in the bill before you, if I understand the bill correctly, this bill has mandatory sentencing on the

second or third offense. But that is the compromise that the committee went along with. I personally am opposed to mandatory sentencing for any offense. Nevertheless, we went along with the compromise for the second or third offense.

Now I urge you to support the motion of the gentleman from Houlton, Mr. Berman to adopt the Majority Report.

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

Mr. HEWES: Mr. Speaker and Members of the House: I support the position of the gentleman from Lewiston, Mr. Jalbert. We are particularly concerned with the sale of marijuana to—I am selfish. We have five children and I don't want somebody selling marijuana to any of those five children.

Under the bill that Mr. Jalbert goes along with, the first offense would not require a mandatory sentence, but from thereafter it would; and it seems to me that if a person is involved in selling marijuana and convicted more than one time he should go to jail. Thank you.

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

Mr. MORESHEAD: Mr. Speaker and Ladies and Gentlemen of the House: I think I can honestly say that no bills got more attention from the Judiciary Committee than these bills of Mr. Jalbert's concerning the sale of narcotic drugs and we were quite concerned about doing something to help solve this problem which is upon us here in the State of Maine. We were particularly problemed though with taking away from the judges who administer our laws in the State of Maine the discretion which we as attorneys feel that they should have and I really firmly believe that this is where we draw the line with Mr. Jalbert.

In his original bill he had mandatory sentences for sale or possession of drugs, both Marijuana and hard drugs. We agreed with Mr. Jalbert to a certain extent with Committee Amendment "A" in regard to hard drugs. Anyone who is caught selling or having

hard drugs either under this bill or under the present law after the first offense will receive a mandatory sentence.

Now those of us who are against mandatory sentences altogether cannot completely go along with this, but we feel that if the people in Maine feel that drugs are a problem, then we will compromise and we would go along with this even though it does take away the discretion of our judges in sentencing. But we feel that if we are going to separate hard drugs from Marijuana and treat the possession of Marijuana as a misdemeanor on the first offense, that we shouldn't have mandatory prison sentences for second and subsequent offenses because there are situations where someone may come back the second time and there may be circumstances surrounding the case that do not necessarily call for a prison sentence, and we feel that this should be left up to the discretion of the judge. And if we would take the Committee Amendment "A" the judge keeps his discretion in this area of sentencing in Marijuana cases and if he feels that the circumstances allowed it he doesn't have to send the person to prison on a second offense.

I assure you, ladies and gentlemen of the House, that if we had a professional seller of drugs come before a judge in the State of Maine, I would be surprised if this person would get a suspended sentence or probation even the first time. We are leaving this up to the judges and I assure you that I have talked with the judges and they are concerned with this problem and they are concerned about getting to these professional sellers who are selling drugs to the children here in the State of Maine. And there haven't been that many cases, perhaps one or two in the whole state, where they have got to the professionals.

The people that are being brought into court are the kids, high school and college kids, who are smoking some of this Marijuana as a joke or just for a few kicks. Now none of us sympathize with them, none of us go along with this, but we must realize that it is happening

and it is a social problem. And I firmly do not believe that the way to solve this is to start filling Thomaston with these kids who may have a cigarette just to see what it is all about and are unfortunate enough to get caught, or perhaps fortunate enough to get caught, I believe they should be caught, they should be prosecuted, but I think as far as sentencing them we should leave it up to our good judges who we have put in these positions of very much authority and let them decide whether this particular case merits a mandatory sentence or not. And I assure you that when they do get the professional, these judges are going to put the professionals in jail and in prison.

But this bill of Mr. Jalbert's or Committee Amendment "A", will not allow this discretion and they will treat the professional seller of drugs the same as the kid who gets caught smoking a Marijuana cigarette or selling—you could have a seller, a kid who sells a cigarette to his roommate. He may have three or four and he sells one to his roommate, he is a seller. But I personally distinguish between this kid, selling one to his college roommate, from the professional seller who comes up from Boston with a whole car full of this stuff.

And I assure you that in our Committee Amendment "A" we are not trying to look the other way when it comes to this drug problem. We are just trying to put the authority where we think it should be and that is with the judges and as far as the hard drugs are concerned there will be a mandatory sentence even with Committee Amendment "A" on the hard drugs after the first offense; but with Marijuana, which we had people come into the hearing and talk to the members of the Committee, who say this Marijuana is different than the hard drugs, and I agree that the arguments that it is nothing to be concerned about perhaps are not altogether true because we should be concerned about it. But I think it is a very strong social problem and that in many instances some of these kids that are getting caught would be better served by

being treated by a psychiatrist or by a probation officer who could help rehabilitate them than just sending them down to the State Prison at Thomaston where they will get in with criminals down there and never be completely reformed or never be able to lead a life which perhaps they could lead if the right rehabilitation was brought about.

In our Committee Amendment "A" we also struck out a part of the bill which we found to be quite objectionable and that was on page 3 of the bill under the enforcement. In this bill it would allow a police officer or an authority to if he had reason to think someone had Marijuana in a car or a boat or on their person, he could stop them and arrest them and take it without they ever having a warning or anything and we thought that this was a very serious infringement upon the constitutional rights, and that even though we are dealing here with a serious problem of drugs we should still follow our constitutional provisions concerning search and seizure and arrest without warrant.

And if we are going to start setting up laws that go against the constitutional rights, against illegal searches and seizures, then I think we are going to start moving towards a police state. So it is for that reason that we struck that particular section out of the bill. But basically we have kept Mr. Jalbert's bill and I think we all respect and admire Mr. Jalbert for putting in this bill. It is a very necessary piece of legislation and I think it does a good job and I think the main point where we disagree with it, Mr. Jalbert, is on the question of mandatory sentences.

So if you believe that there should be mandatory sentences on Marijuana sales and Marijuana possession, then you should vote for Report "B." But if you feel that in the area of Marijuana that our judges still should remain and keep their discretion, then you should vote for Report "A," and remember that in Report "A" there are still mandatory sentences on hard drugs, the drugs other than Marijuana after the first offense. I thank you.

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

Mr. BERMAN: Mr. Speaker, Members of the House: First off I want to say how proud I am particularly of the vigorous explanation of my good friend and young colleague from Augusta, Mr. Moreshead and of the very excellent explanation by my good friend and colleague from Portland, Mr. Brennan.

This bill and its companion bill actually had a very good hearing. It was a hearing that at times became quite heated but I do think and I hope Mr. Jalbert will agree that most members of the Committee treated Mr. Jalbert with the utmost courtesy and fairness.

Now why I went along to Report "A" has been gone into to some extent by Mr. Moreshead but I would want to read you very briefly on page 3 of the bill or subsection 3 under section 2383—Enforcement. "Any sheriff, deputy sheriff, constable, municipal or state police officer, if he has probable cause to believe that a violation of this section has taken place or is taking place, may, at any time," and I would want to stress this fact, at any time, "stop any motor vehicle, boat, vessel, airplane or conveyance of any kind, for the purpose of arresting or questioning the operator or occupant thereof, or for the purpose of searching said motor vehicle, boat, vessel, airplane or conveyance of any kind, and may further arrest any person for violation of this section whether or not that violation was committed in his presence."

Now obviously if someone is in the possession of Marijuana or any of these hard drugs the Committee has absolutely no sympathy, and I say that unequivocally, the Committee would have absolutely no sympathy. But there are people we feel in the State of Maine that drive motor vehicles, have boats, boats on inland waters and on the ocean, have airplanes and other conveyances and I think that there would be some very serious legal problems of letting any sheriff, deputy sheriff, constable, just because he thinks that there is probable cause, to stop people in their

motor vehicles, in their boats, whether they are on the great ponds, the rivers of this state, or on the high seas, in their airplanes or in conveyances of any kind.

This really doesn't get at the problem. It really creates a bit of a nuisance and if for no other reason than that this subsection 3 that I am reading you is going to cause us more problems than it can possibly solve, I hope you will go along with the Majority Report and I would call it to your attention that some very fine people also from the other body signed this report, Senator Violette and Senator Quinn, both of whom have at times served in this House. And I know you will listen very carefully to the arguments both pro and con and it is going to be very interesting to see what the judgment of this House is on this particular subject.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I am happy to hear the gentleman from Houlton, Mr. Berman talk about the way some were treated at the hearing on this bill. The way to get somebody that did go to hearing, because someone sent me a 104th prima here which waives the equities or it had a good hearing, which I think if some of you had seen, the blood was all over the hearing floor.

But now we are back here in the court that I am more familiar with. Now first I want to read Committee Amendment "A" and what it does. The amendment increases the fine for selling, giving or dispensing any narcotic drug to any person under the age of 18 from \$1,000 to \$10,000 maximum. It also allows for a suspended sentence for the first conviction under this section. However, it specifically provides for a mandatory sentence for the second subsection offense for violation under this section, but it provides that the full penalty must be served with no reduction for good behavior while in prison.

By striking out the last sentence of 2384 of the bill the result is merely to eliminate the manda-

tory five-year penalty for selling Marijuana by anyone over 21 years of age to anyone under 21 years of age. The mandatory sentence is also eliminated in subsection 2 for those over 21 years of age who sell to those 18 to 20 years of age. The mandatory sentence is also eliminated in subsection 3 for those over 21 years of age who sell or furnish Marijuana to any person under the age of 18. And finally the mandatory sentence and the general prohibition against anyone selling Marijuana to any other is eliminated by striking out the last sentence of subsection 4.

In short as I have stated before the amendment eliminates to 2384, eliminates all mandatory sentences.

Now I will not read my own amendment, Committee Amendment "B" which is really my bill because that in effect after the first offense calls for mandatory jail sentences.

Now if we are going to stick for a moment—and I am more interested in hard drugs my own self—but if we are going to stick for a moment with this roommate who hands or he sells to his roommate a stick of Marijuana, it might be well to know that in that stick of Marijuana also might be the very—just don't look no bigger than the head of a pin, of Heroin in it, and boom right off the bat the one that smokes that is an addict to Heroin. That is the third thing.

Just how long are we going to give the e roommates these privileges? We don't give them anywhere else; why should we give them in this area?

Now I would like to submit here that back in the days after the signing or the getting away from Prohibition there were four groups—a group that came home, a group that went into prostitution, a group that went into the ranks of protection, and a group that went into the selling of drugs, which is about the worst thing in the world today. And I knew some of these groups and I know what I am talking about.

Now I am going to tell you one thing right now, and I want you to believe me when I say this, you can take these people here and

you can fine them any amount of money and within an hour they will be out having a beer in their favorite hole. The proof of the pudding is just a very short time ago when in court the word was left that a certain individual would be given a real heavy bail sentence where it could involve something along this area. And I made the remark that in one hour he would be having a brew somewhere in his own area. I was wrong. The bail was set at \$25,000 and in a half an hour he was having a brew in his favorite spot.

Now the gentleman from Portland makes a remark when he talks about mandatory sentences, he commented on a letter about a mandatory sentence in firearms where that might be bad, but he did make this remark, "it doesn't pertain itself to drugs but it pertains itself to the same thing, it's a mandatory sentence." Now I would like to go and read to you from this book here of 1959 in to the legislative documents as presented in 1959.

There was a bill presented in 1959, "An Act Providing Mandatory Jail Sentence for Second Offense of Drunken Driving Under the Influence". This is a book, "Maine Legislative Documents of 1959." Now this is a document of the Maine Laws of 1959. This bill now is in the laws of Maine and this is now in Chapter 247 of the laws of the State of Maine. "An Act providing Mandatory Jail Sentence for a Second Offense of Driving Under the Influence. Mandatory jail sentence: Any person convicted of a second subsequent offense shall be punished by imprisonment for not less than 10 days" — the bill originally was three days, was raised to ten days — "nor more than 11 months, which jail sentence shall not be suspended and in addition thereto the Court may impose a fine beyond the jail sentence."

And it might be interesting to note for anyone to see here that this measure was presented and passed by the illustrious Senator from Androscoggin County, Senator Alton A. Lessard, who was then, before he came to the Senate, had been a United States

District Attorney and is now presently on the Superior Court Bench.

Now the gentleman from Augusta, Mr. Moreshead, makes comment that he has talked to judges. So have I. I have also heard from judges. I have a telegram here. When we speak—the gentleman from Houlton, Mr. Berman, mentioned about illustrious individuals from the other branch, to add a little steam to his pitch, who had signed this report. I have a little piece of paper here dated on March 18: "Sorry, cannot attend hearing this afternoon on L. D. 743," which is worse because that bill called for the mandatory at the first sentence. "Am all for it and hope the Committee will report favorably." Signed the Honorable retired Supreme Court Justice, Alton Beliveau, the son of one of the signers of the Report "B".

Also, if we are going to say I have talked to judges, as the gentleman from Auburn said, I have talked to judges. If we are — because after all these are fine fine people, we have a right to talk to them. I have talked to them. As a matter of fact I have sought the assistance of one of them when I first worked on my bill. And I certainly assure you that he didn't talk badly about it. I talked to a Supreme Court — present Supreme Court Justice. He said nothing can be too bad for those people. I have talked to a judge of the court this morning who agreed that my amendment "B" was sound.

Now let's not get around this argument here that we don't want to step on the toes of the judges or we don't want to take any discretion away from the judges. What we don't want to do is take away the feeling of the criminal lawyers in court. That is what we don't want to do.

Now, Mr. Speaker and Members of the House, I have been here since 1944. I have passed and presented many many measures to this body. This body here — this bill has been in committee for months. I have been waiting for it for months. And there is no bill — as proud as I might be of Central Maine Vocational School,

as proud as I might be of legislation I have passed on parochial school matters or several other pieces of legislation I have passed — no bill that I want any more than I want this one for the people of the State of Maine, no bill am I so proud as to have presented as I am of Amendment "B".

And Mr. Speaker and Members of the House, I do hope in my roll call motion that we will resoundingly defeat House Amendment "A", so I can probably move to accept Committee Amendment "B", which is my bill.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill, like all bills, comes down to a question of judgment I guess, and I read you the letter from the Director of the Bureau of Corrections and he told us that all the wardens, all the superintendents in the correctional institutions are opposed to mandatory sentencing. Any judges I have talked to have opposed mandatory sentencing. The people that work with the problem, the experts in the field, they are opposed to mandatory sentencing. Now Mr. Jalbert is for mandatory sentencing. I asked the House who is more qualified, Mr. Jalbert on mandatory sentencing, or the experts that we pay very well to run our institutions, and the judges? I ask the House to make that decision.

Mr. Berman of Houlton was granted permission to speak a third time.

Mr. BERMAN: Mr. Speaker, I would like to pose a question through the Chair to anyone who may be able to answer. How much does it cost the State of Maine to keep a person in the Maine State Prison for one year and how much does it cost the State of Maine to keep a woman in the Women's Reformatory for one year?

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



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

Mr. STARBIRD: Mr. Speaker, I will answer Mr. Berman's question with another question. How much does it cost to cure a person of drug addiction?

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I arise in support of the position of Representative Jalbert this morning. I would like to call your attention to what has been occurring in Washington County. We have an attorney down there who has now been indicted on a sentence of two to four in Thomaston State Prison. Drugs were not known in Eastport or that end of Washington County until the arrival of this man there five years ago. This man has been the leader in pushing drugs in that area. The State Police have raided him. They have found the evidence and everything there.

Now as far as the mandatory sentence is concerned, generally I am opposed to a mandatory sentence on the first offense. I so spoke before the committee on it that there should be leniency. Following the development of this case in Washington County, I have now changed my mind. I am for the mandatory sentence on first conviction for the simple reason, that this was allowed to haggle in the courts down there as there wasn't sufficient law on the Maine statute books to cover the case in its entirety.

Now those children down there in high school — the latest estimate I get is 60% of them are on this Marijuana. The things that have occurred down there you wouldn't believe. Now as far as the children are concerned that have been addicted to this drug down there — and there is no question they are addicted, they are in violent fights with their parents and everything else. It is a horrible situation. But these children now when their prime source was first removed, within three days there was two of them committed

to Bangor State Hospital as mentally gone. There have been other cases since then which are being carefully concealed that they didn't want undesirable publicity through the area. I could go on and tell you quite a lot.

I made an inquiry to the State Police last night and I was in consultation with a sergeant out here this morning and some of the things that he has told me I can't repeat. I will simply state that I am going to support Mr. Jalbert.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: To answer the question that Mr. Brennan proposed about whether Mr. Jalbert or the judges were qualified — who was qualified on their opinions on mandatory sentences. I am quite sure the people of the State of Maine, if any of their children were involved in this mess of Marijuana, that if I was a parent, that I would like to see them go to jail on the first offense and that they could throw the key away and that would be all right with me.

Now I understand in Mr. Jalbert's bill here that it is on the second offense and that disturbs me a little because I would like to see them grab them on the first offense and throw them away because we don't want these kind of people in the State of Maine and if we take a good bill like this that Mr. Jalbert has got here and we try to make it easier for the criminals — of course I am not a lawyer, I am not going to defend any of them in the court, which some of our esteemed gentlemen probably will in this House, but I believe on the first offense they ought to put them right in the jail and leave them right there.

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: It is very possible for some of our very best potential citizens, and perhaps that is going to be one of the earmarks that makes them a potential citizen, because

they are willing to try something; and it is perfectly understandable that the youth of this nation is going to make many wrong moves in their experimentation, and many are going to experiment with Marijuana, hopefully nothing else.

They can be after having tried it—they might try it again because I guess it is not supposed to be habit forming and it is one of the things that is becoming more and more popular. Now to take for example a perfectly — and this has happened, one of the better students in a private college is caught smoking Marijuana. So then, say a couple weeks later or something, he is caught again in a room in which Marijuana either is in the drawer or perhaps is being smoked, he himself is not smoking it. He is arrested; he is taken before the judge.

Now I trust the judges of every state. Certainly I trust them in the State of Maine. Every judge I know in this state would judge each case on its own merit. He will know that this second offense should be treated in the individual way that this boy was caught. I think to give him a mandatory sentence for a year in jail—how many of you have ever seen a young, potentially good citizen of this state after a year in jail, with some of the exposures that he has gotten? It can do a great deal of harm. I really strongly feel that this is a bill that would do so much harm that what could very easily happen, that the officers of the law would not arrest and therefore would not give the judges the chance to speak to this boy a second time, that because of the mandatory clause on this bill, that they would then not arrest them and they would go off scot-free and we would be in a worse spot than we would if this amendment goes through.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I have not locked myself in any position on this document to this day as to whether mandatory sentence should be the first offense

or the second or the third or fifth offense, because I have got a question that I would like to ask to members of the committee or the sponsor of the document or any other members of the House who may choose to answer as to what the eventualities may very well be.

Assuming that one of my youngsters or one of yours—and it could very well happen this way, that a professional pusher cons mine or yours into selling a drug by using threats or coercion or bodily harm, in a group of youngsters of which this professional has organized, and he takes this youngster and he says you have got to sell this or go and sell it to somebody, which he knows very well that if he goes he may very well be caught and suffer the consequences, but if he sends somebody else, which my youngster or somebody else's youngster may very well be caught, what will be the eventualities as far as the judge being able to say, "Well, you were caught in circumstances of which you should have known better". But then the youngster himself, fearing bodily harm or coercion of any kind from this professional, what would be the decision of the judge if he were caught for the first time for selling this drug that he knows is wrong, but because the alternatives to him may not have been otherwise, they are going and selling it and get caught. I would like to know what the answer from the judge under the present Majority Report or Report "B" which Mr. Jalbert is supporting presently. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to answer that question by just merely saying we are not talking about anybody being sentenced if they are caught, or this would probably be in answer to the lady from Newport, Mrs. Cummings, we are talking about somebody who is convicted for the second time—not caught, convicted for the second time. And I would like to tell you one thing right now, I am certain that anybody that would be threatened, this area would be exploited in court, and I might add that it

would be exploited in court. We are not talking now about anybody who is being arrested or being caught. This amendment "B" of mine calls for mandatory sentence after the first offense, after the first conviction. We are not talking about when you are being caught; we are talking about convictions.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I will be brief. I have been listening to the experts' opinions. I am not an expert at law or at Marijuana or drugs or police work. I think possibly some of us have lost sight of one thing which might mean a lot. There is an old adage, the proof of the cake is in the eating. I think we should ask ourselves the question, why such bills as this? If we the people are completely satisfied with drug suppression and the prosecution of drug pushers, there would be no necessity of such bills. If the judges, and I have no quarrel with the judges, but if they are so omniscient that they know all the answers and they had handled this situation and are handling it right, there shouldn't be much increase in this sort of thing. But there is increase. Is that not the answer? There is a tremendous increase.

So what is the next answer? We must find an answer to it. If this is an answer, mandatory sentences, I feel that the judges are servants of the people the same as we are and I feel that they can be subservient sometimes and they can perhaps submerge their desires.

Now another adage which we hear about is sometimes we cannot see the forest because of the trees. I think the gentleman from Portland, Mr. Brennan stated that the people who are experts that are handling prisoners at our institutions are against mandatory sentencing. I can sympathize with their feeling, but haven't they possibly forgotten that a mandatory sentence is meant to be a deterrent?

Now I am disappointed in the firearms bill, that we did not hold mandatory sentences in it, because my contention is that we

would not put more people in prison, we would keep them out. I stated in that that by a mandatory sentence I had hoped that we would make a firearm so hot that no one, just no one would want to carry it in their pocket unless it was asbestos lined, and that is my theory on marijuana or any of the drugs.

If we can assure the second offender that they are bound to serve some time if they are convicted, they don't want to be down there in prison any more than you or I do, aren't they going to think before they do commit a second offense? If they can leave it entirely up to the judge and his generosity, they just might say this, "Well, this could be a second offense, but no saying that I have to go to prison." You and I know, as Mr. Jalbert said of a good many cases and you read about it the papers, we who are not the experts, we hear about someone convicted of some of these crimes and we hear a few days later they are out on small bail, and then a little bit later the case is licked.

Now I don't know, even though I did study a little law a good many years ago, I do not know the mechanics of those legal procedures, I only know that these things are increasing and if mandatory sentences will slow down that increase, I say let's have mandatory sentences at least on the second offense.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: I rise in support of Representative Jalbert's amendment because of the fact that we know that the capital of the drug industry or the drug distribution, the illicit drugs, is Boston, and I know from York County that some two years ago and a year ago there were many many problems. I will not name the towns, but the drug pushers from that area worked very effectively and they are corrupting our young people through threats and any other means to push their product. And if I didn't speak today on this measure, I would consider myself remiss in my duties, because I was

told by a person who was directly affected, and his children were. He said, "If you ever have a chance to say anything against these illicit pushers of marijuana, etcetera, do so for my own sake. I am not from Maine, I am from Massachusetts, but I work in Maine in the summertime and it is horrible to see how even people in official positions are connected with the illicit drug pushing program."

He has called an attorney and was asked to identify himself and he said, "No, I would rather not." Well he said, "I cannot entertain your motion to squash this." He says, "I will if you will guarantee me immunity." He gave him his name and three nights later in his establishment he was surrounded by hoodlums and they smashed his establishment. And three nights later after that the same threat occurred again. For that reason I support Representative Jalbert's bill.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: I am reluctant to prolong this debate any further, but I feel that I must get up and add a little in support of the motion of the gentleman from Lewiston, Mr. Jalbert.

It amazes me to have so many people say how they want to fight for the rights of the teenagers, support them, the good ones, in their endeavors throughout our United States and our nation, the world. They have closed their eyes to what is going on round about them and seem to try to help and protect those who are sending these young people down the drain. Billy Graham has recently stated that this could be called the "stoned age," not only because of liquor but because of the drugs that our young people are getting involved with.

A few months ago there was a campaign held over in Waterville, conducted by Dave Wilkinson, the man who is famous for his work with the drug addicts in New York City. At the formation of this conductive of services, one of the pastors from the City of Augusta

stated that he did not think it was necessary to have such a campaign in this area because there was no trouble with marijuana or other drugs in the City of Augusta. Two weeks later three youngsters were arrested in the City of Augusta and they found out that the distribution of drugs at Cony High School was much higher than anyone had ever anticipated.

I think it is long past time that we did something in this area for our kids, and it is about time we got started.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps some of the rest of the House has seen this notice in the paper that I was reading this morning about a gentleman in Massachusetts who was in a collision with another car at an intersection. He got out to speak to the other driver and the other driver pulled a knife and killed him. Well he was under the influence of a LSD trip, so of course the poor fellow isn't responsible, he took a few drugs. So the bigger fire we can build under these drug sellers, the better off we are going to be.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I want to point out that as I understand the mandatory sentencing part of this bill, it is only for the seller, or the pusher. It is not for the person who is in possession of or using it, it is against the person who is trying to make some selfish profit strictly at the expense of the public and not as against the user or possessor of it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would ask to direct a question to Mr. Hewes or any other member of the House that might answer.

You stated, Mr. Hewes, that the mandatory sentencing feature only applies to the seller and not the person who possesses or uses it. Is there any distinction in regard

to the mandatory sentence between marijuana as opposed to the so-called hard drugs?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: The present amendment that Mr. Jalbert, the gentleman from Lewiston, favors would provide a mandatory sentence for the second offense for any seller or pusher of hard drugs and also of marijuana, Cannabis, or the, you might call them the lesser drugs, but only for the sale and pushing of them, not for the use of or the possession of.

The SPEAKER: The Chair recognizes the gentleman from Cambridge, Mr. Quimby.

Mr. QUIMBY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we can defeat the Report "A" so to accept Report "B." Thank you.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I have had to face marijuana in the classroom and it is not a problem except that we wonder how we are going to eventually handle this problem. For instance, we discussed alcoholism, uses of drugs, all kinds of questions, and I have been able to have a great rapport with the kids. And one day one of the kids got up and said, "Mr. Cottrell, you want some marijuana?" And I said, "I don't use it, but why did you ask the question?" And he said, "Well, excuse me from class and in ten minutes I will come back with marijuana." Now I don't know how much either of these bills is going to affect the kids. I don't know how it might have affected the student who might have brought marijuana into my room. I don't want to put anybody on the spot, but I am one that likes to have full discussion of things and full knowledge and we have a couple of students here today, recent graduates, or still

in class, in school, one from Bowdoin and the other from Bates, and I think they are familiar with what goes on in college, in marijuana, and they might be willing to divulge to us just some of those things. I don't want to put them on the spot but I think they could give us some very helpful and useful information.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: Coming from a small community such as I do, it would seem almost unbelievable that this problem could permeate into the hinterland but from observation, in talking with law enforcement officers, I am certain that we do have the problem to possibly the full extent, particularly in the summer time when certain individuals are apparently bringing these drugs into the area. I go along with Mr. Jalbert's amendment one hundred percent.

Mr. Brennan of Portland was granted permission to speak a third time.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Those who want to support the amendment Mr. Jalbert hasn't yet offered and they want to do it for the purpose of mandatory sentencing on some first offenses, frankly, after careful reading of the two amendments by me — and maybe I am wrong — there is really no difference as far as the sentencing on the first offense. If I read Mr. Jalbert's amendment correctly, there would be no mandatory sentencing on the first offense in regard to sale. That would be the same in both amendments presented here. The essential difference between the two amendments would be in the amendment supported by the majority of the committee, they would delete a section of the bill that would probably preclude some illegal searches and seizures and consequently probably help the enforcement rather than hamper it.

But in regard to the sentencing I would pose a question at the same time through the Chair to

Mr. Jalbert and ask if he feels that his amendment, which he will offer later, is any different in regard to sentencing to Amendment "A"?

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

Mr. JALBERT: Mr. Speaker and Members of the House: In answering the question of Mr. Brennan — and I am telling you that he is not going to put me through a tort case on this one. I am going to tell you one thing right now, that Mr. Brennan, the gentleman from Portland, and I will answer it this way — that Mr. Brennan, the gentleman from Portland, wants Amendment "B", my amendment, like he wants leprosy. He would just settle for Amendment "A", and Amendment "A" is an amendment that is a tempered down version of what Mr. Brennan wants, which is no mandatory sentence at any time. My amendment calls for mandatory sentence after the first conviction and that is what I settled for. If I had to settle for the original bill I would settle on the first. But this is my compromise — on the second offense, and the gentleman from Portland very well knows that also.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Earlier in the debate I posed a question to any member that wished to answer. From my looking over the amendments that have been before us and not necessarily all offered this morning, I can see that there would be protection for the person that did sell marijuana or other drugs, that because of reasons that he has no control, on the first offense might very well have learned a lesson. And as the gentleman from Lewiston, Mr. Jalbert, has pointed out, there are some provisions for the first offense, and after the first offense, if a person hasn't learned a lesson in the first time around, then God bless his soul on the second and third offense, because I think it should

be mandatory. So therefore I will support Report "B" and Mr. Jalbert's amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Berman that the House accept the Majority Report. The gentleman from Lewiston, Mr. Jalbert moves that when the vote is taken it be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on this measure will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Berman, that the House accept the Majority "Ought to pass" Report on Bill "An Act Controlling the Sale and Possession of Cannabis (Marijuana) and Peyote," House Paper 561, L. D. 742. If you are in favor of that motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA—Berman, Boudreau, Brennan, Corson, Cottrell, Cummings, Curtis, Cushing, Farnham, Harriman, Haskell, Huber, Immonen, Lebel, Lee, Lund, Martin, Morehead, Richardson, H. L.; Rideout, Scott, G. W.; Snow, Vincent, Watson.

NAY—Allen, Baker, Barnes, Bedard, Benson, Bernier, Binnette, Birt, Bourgoin, Bragdon, Brown, Buckley, Burnham, Carey, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cote, Couture, Cox, Crommett, Crosby, Croteau, Dam, Dennett, Donaghy, Drigotas, Durgin, Dyar, Emery, Erickson, Eustis, Faucher, Fecteau, Finemore, Fortier, A. J.; Fraser, Gilbert, Giroux, Good, Hall, Hanson, Hardy, Hawkens, Henley, Heselton, Hewes, Hichens, Hunter, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, K.

F.; Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marsteller, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Ricker, Rocheleau, Ross, Sahagian, Santoro, Scott, C. F.; Shaw, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Thompson, Trask, Tyndale, Waxman, Wheeler, White, Wight, Wood.

**ABSENT**—Bunker, Carrier, Curran, D'Alfonso, Danton, Dudley, Evans, Fortier, M.; Foster, Gauthier, Mitchell, Sheltra, Williams.

Yes, 24, No, 113; Absent 13.

The **SPEAKER**: Twenty-four having voted in the affirmative and one hundred thirteen in the negative, the motion does not prevail.

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

Mr. **JALBERT**: Mr. Speaker, in thanking and being proud of the membership of this body, I now move the acceptance of House Report "B."

The **SPEAKER**: The gentleman from Lewiston, Mr. Jalbert, now moves the House accept the Minority Report. Is this the pleasure of the House?

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

Mr. **BERMAN**: Mr. Speaker and Members of the House: I will be very brief. I am pleased that we had a very good debate on this matter. The House has made its judgment on the matter. We will try to take this gracefully and I hope whatever measure finally does come out of this 104th Legislature that it will do something toward helping solve this immense problem. But I say to you very sincerely this morning, now that you have accepted Report "B," you may find that you have created more problems in law enforcement than you have actually solved.

Thereupon, the Minority "Ought to pass" Report was accepted.

The Bill was given its two several readings.

Committee Amendment "B" (H-566) was read by the Clerk and

adopted and the Bill assigned for later in today's session.

### Order Out of Order

On motion of Mr. Hewes of Cape Elizabeth, it was

**ORDERED**, that Richard, Robert, David, Dorothy and Kathy Johnston of Fort Fairfield be appointed to serve as Honorary Pages for today.

### Third Reader

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

Bill "An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and Other State Agencies with Respect to Air Pollution" (S. P. 502) (L. D. 1597)

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

(On motion of Mr. Snow of Caribou, tabled pending passage to be engrossed and assigned for later in today's session.)

### Passed to Be Engrossed

Bill "An Act Permitting the Inhabitants of the Town of Jay to be Within the Jurisdiction of the District Court at Livermore Falls" (H. P. 895) (L. D. 1156)

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

#### Tabled Until Later In Today's Session

Bill "An Act Creating a Human Rights Act for Maine" (H. P. 1263) (L. D. 1593)

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

Mr. McTeague of Brunswick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-569) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the same gentleman.

Mr. **McTEAGUE**: Mr. Speaker and Members of the House: House Amendment "A" is to the report that came out of committee labeled as "B". There were three reports from the committee, from the ten members of the State Government Committee. Report "B" has

been accepted by the House as a vehicle towards amendment and this is the amendment that is proposed. I think a fair and short summary of the effect of House Amendment "A" is this:

Number one, it gets us in compliance with the federal law which Mr. Dennett mentioned yesterday. There was a problem in regard to the recording of racial data by the Employment Security Commission. The Federal Department of Labor requires that this data be noted by state employment security commissions and we have done this in this amendment. But the major part of the amendment is a working together of Committee Report "B" and Committee Report "A". The financing involved is reduced from that, the higher amount that was the case in Report "B" down to the same amounts that were proposed in Report "A". There is provision in the amendment for voluntary conciliation, which I believe is always preferable either to criminal or civil court action. But although this is very very much scaled down, particularly in regard to finances from the original bill, this combination of Reports "A" and "B" which we now have in House Amendment "A" will provide us with a good and workable law at a modest cost.

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

#### Amended Bills

Bill "An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto" (H. P. 860) (L. D. 1102)

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 to Rename and Reorganize the Department of Economic Development" (S. P. 363) (L. D. 1245)

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 Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

#### Passed to Be Enacted

An Act Revising the Water and Air Environmental Improvement Laws (H. P. 905) (L. D. 1166)

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

An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education (H. P. 1232) (L. D. 1565)

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

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

Mr. BIRT: Mr. Speaker and Members of the House: I would just call your attention to the fact that this bill has an appropriation on it of slightly in excess of a million dollars. I do not believe that it should go to the Appropriations table and I would ask for a division.

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

Mr. HASKELL: Mr. Speaker, I would like to correct the gentleman from East Millinocket. The appropriation involved in this now by Senate Amendment is \$200,000 in the second year of the biennium. I would be glad to discuss it further if there is a question in Mr. Birt's mind.

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

Mr. BIRT: Mr. Speaker and Members of the House: The fact that there is a \$200,000 appropriation — I would comment to the members of the House that if the appropriation of \$200,000 is in the second year of the biennium, it means that the following year we will have an additional \$200,000 to pick up and this also could result



in additional growth as changes are made in this law or as more people come under it, and I would still request a division.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I hoped not to get involved again in debate on this subject. I discussed this very thoroughly on the first reading and if the members of the House will recall at that time I challenged any member of the Legislature with a statement that any dollar that is spent in this area cannot fail to result in a saving of three dollars in the area of construction at the University of Maine.

I will point out that at the hearing in which this bill was heard, that all the readings it has had in the House and all the readings that it had in the Senate, that this statement has not been challenged. I regard this as probably the most important money that this Legislature could possibly appropriate.

Now to demonstrate that a little further, the weekend before last all the members of the Legislature received two pieces of information. First we received some information from the University of Maine, and among other statements made in the material supplied to us was that unless there was a change in the appropriation requested from the Legislature that there were several alternatives that would have to be considered by the Trustees of the University and among them was that admissions for 1970 must be restricted. The planned additional 1,050 new students would be turned down, transfers for readmission applications would be rejected, and total enrollments would be lower than 1969.

I think that it is interesting to note that on the same weekend the New England Board of Higher Education released material that indicated that as of May 15 this year there were 12,500 openings remaining in New England's colleges and universities. These were

openings in both public and private colleges and universities in New England.

The point that I want to make here is that at a time when the Orono campus had accepted all the students that they would accept, there was still available in New England over 12,000 openings for freshmen for the coming year. Now naturally there are not going to be anywhere near this number of openings in the fall because many admission decisions have not been made. But if you would speculate in your own minds for a minute, if we had on the books in the State of Maine at this time legislation that would grant to any student graduating from high school in Maine, the alternative of either accepting a thousand dollar subsidy from the State to be applied to any college or university anywhere in the country versus being subsidized at the rate of \$2,000 at the University of Maine, my conclusion is that no further construction would be necessary at the University of Maine.

Now obviously this is at the present time rather a Utopian proposition. So for this reason initially the bill as submitted restricted the payment of the subsidy to Maine students attending Maine private colleges. When it became apparent that the amount of money involved here was beyond the probabilities of being funded at this Legislature, I redrafted the bill and made it applicable only to the private colleges, if they were able to show an increase in Maine students over this year as a base year that a subsidy would be paid to them in the amount currently applicable at the University of Maine for a subsidy. And I used as an example if Bates College currently has about 120 Maine students, if next year they were able to attain a total of 130 Maine students the amount of subsidy granted to Bates would be ten times the current University of Maine subsidy by \$20,000. \$20,000 would have to be extended by Bates to Maine students as scholarship aid in order to encourage more Maine students to seek their education in a private sector.

This concept was further reduced by Senate amendment to a point where only \$200,000 became available the second year of the biennium in order to test if in fact that Maine private colleges were serious in their assertions that they were eager for more Maine students and if more money were available for scholarship aid they could induce more Maine students to attend the Maine private sector.

So in effect what we have left here now is a laboratory experiment to see if a shift of students can be made from the total reliance on the public sector to the private sector. This has passed and has gone through two readings here and is finally at the enactment stage. I very sincerely feel that the long range solution to our problem of financing higher education in the State of Maine is going to involve this principle of utilizing the private sector to a greater degree in order to reduce the capital expenditures that are necessary at the University of Maine.

My statement and my challenge still stands that you cannot possibly spend a dollar here without saving three dollars in construction cost at the University plant. This vehicle now affords an opportunity to test this theory on a small scale and I sincerely hope that the House will go along.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that the way the private colleges are distributing scholarships in Maine it is very possible if a measure such as this had been enacted a few years ago we would have been saved the building of four or five large expensive dormitories at the University of Maine. Now I base this on this reasoning, that I believe that students who live within twenty or twenty-five mile radius of any of these private colleges could very well have gone to these colleges, thus saving the State from building the dormitories.

Now these colleges are, and I think I have them all — St. Francis, Nasson, St. Joseph's, Bowdoin, Bates, Colby, Unity, Husson, Ricker, and possibly if Bliss ever gets on to a four-year program it could apply to them. Now you say, why would they go to the University of Maine when they live in the town or near one of these private colleges? Well let's take for instance Bowdoin in Brunswick. I think the tuition at Bowdoin is around \$1750, maybe \$1800. Well a boy or girl from Brunswick can go to the University of Maine, pay its tuition and board and room for less than that figure. And I believe this program that we are about to adopt, or I hope that we are about to adopt, would increase greatly the number of students in the area of Brunswick and twenty-five mile area, that they would commute, attend Bowdoin. Now I have included girls in this, and Bowdoin may within the next few years become a co-educational college. I hope the members of this House will not go along with the motion of my good friend from East Millinocket, Mr. Birt.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Somewhat reluctantly I oppose the motion of my fellow committee member from East Millinocket, Mr. Birt. I think this proposal has some merits and I hope you will let it go at least to the appropriations table and see whether there is money to put it into effect.

The SPEAKER: The Chair understands that the gentleman from East Millinocket, Mr. Birt merely asked that the enactment be taken by vote.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: Many members of the Education Committee did question the conclusions which my good friend Mr. Haskell reached. I personally doubt very much that this will affect the construction program at the University of Maine. This is one reason why I was very much

in favor of having this studied by the Higher Education Council to see if the presidents of the various colleges who make up this Council could work out an agreement with the University officials to assure the Legislature that some construction would be withheld.

I would also remind the House that the admissions standards to these private colleges far exceed the admissions standards at the University and at the State colleges, and I would question very very strongly that you would see a tremendous influx of local students into these private colleges. I would question whether the private colleges would take that many more because they are oriented more to out-of-state students running anywhere from 80 to 85% out-of-state students, and I endorse Mr. Birt's request for a vote on this.

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

Mr. McNALLY: Mr. Speaker and Members of the House: For no other reason except to offer one challenge at least to this, due to the fact that I was one of the unfortunate ones, as I have discovered, that worked my way through college, and also due to the fact that I am distinctly against any state scholarships. I don't think the state should be in the business of scholarships. I am going to vote against this measure.

Now another thing is, since I know of several students down in my area that would be very interested in being able to go to the University of Maine for that sum of \$1,700, I am going to go over and get the address of where they can go and board and pay their tuition besides and go to the University of Maine this year.

Mr. Haskell of Houlton was granted permission to speak a third time.

Mr. HASKELL: Mr. Speaker and Members of the House: I would like to indicate that this bill picked up an additional amendment in the Senate which restricts the expenditure of this money to low income families. This amendment was offered by Senator Levine and the money expended by these private

colleges in this area have to be restricted to those with gross income of less than \$5,000.

Now I think it is perhaps unfortunate that the focus has come around on the scholarship aspect of this bill, because the bill was not offered for this reason. The scholarship effect is incidental to the purpose of the bill. The purpose of the bill is to utilize the private sector as a means of reducing the total reliance on the public sector as the means of accomplishing higher education in the state. This principle is not novel, it has been adopted by several states. Increasingly there is a recognition that the cost finally becomes so high in using public education exclusively that some alternatives have to be sought. It is my own feeling that we are very rapidly approaching that point in the State of Maine, and some of the amendments that were offered the other day when we were in the budget hassle here indicated to me very clearly that if we continue with total reliance on the public sector we very shortly are going to be in a situation where this body is going to withhold the funding of the University at a level that will assure quality education, and that we do have here a means of utilizing existing private facilities in the State of Maine that in the long run are going to keep costs at the University within a manageable level. I am utterly and thoroughly convinced that we are going to have to come to this. We do have an opportunity here now to test this on a laboratory scale to see if, in fact, the private colleges can accomplish the objective which they maintain they all seek to accomplish. And I sincerely hope that you will allow this bill to be enacted and to take its place with the others on the Appropriation table.

The SPEAKER: The pending question is the enactment of this Bill. If you are in favor of enactment you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 80 having voted in the affirmative and 38 having voted in the negative, the Bill was passed to

be enacted, signed by the Speaker and sent to the Senate.

**Enactor  
Tabled Until Later  
in Today's Session**

An Act to Incorporate the Town of Flagstaff (H. P. 1241) (L. D. 1576)

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

(On motion of Mr. Lund of Augusta, tabled pending passage to be enacted and assigned for later in today's session.)

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

**Mr. RIDEOUT:** Mr. Speaker, I would ask if the House is in possession of Senate Paper 487, L. D. 1571.

**The SPEAKER:** The answer is in the affirmative, Bill, "An Act relating to the Employment of the Handicapped."

On motion of Mr. Rideout of Manchester, the House reconsidered its action of yesterday whereby it receded and concurred.

On further motion of the same gentleman, the House voted to insist and ask for a Committee of Conference.

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

**Mr. CARTER:** Mr. Speaker, is the House in possession of L. D. 1361?

**The SPEAKER:** The answer is in the affirmative, An Act Providing Additional Penalty for Commission of a Felony While Carrying a Firearm, House Paper 1031, L. D. 1361, passed to be enacted yesterday.

**Mr. CARTER:** Mr. Speaker, I move we reconsider our action whereby this bill was enacted and I will speak on my motion.

**The SPEAKER:** The gentleman from Winslow, Mr. Carter moves that the House reconsider its action of yesterday whereby this bill was passed to be enacted.

The gentleman may proceed.

**Mr. CARTER:** Mr. Speaker and Ladies and Gentlemen of the

House: It seems so every time I get up to debate this bill I am at a disadvantage, we are either getting close to recess or we are getting close to adjournment. I hope that you will bear with me because I think it is a very important bill. To me it is just as important as the bill that we have just voted on to curtail drug abuse by pushers in the State of Maine.

Now I would like to be able to defeat House Amendment "A" because House Amendment "A" is not doing anything at all to the present law, and I should like to give you my ideas on it. In the course of doing some research on this bill, I asked Jon Doyle, in the Attorney General's office, if they would encounter any problems with this bill as it is in its present form, that is with House Amendment "A" which as you know allows the judges an optional six-year additional term for commission of a crime with a firearm. He informed me of possible problems of repeal by implication. I then asked him to prepare an amendment for me which has been distributed to you in the form of Amendment "B", filing number H-528.

Now Amendment "B" is a long amendment, but it is not too complex. It merely calls for a mandatory prison term on the second or subsequent offense, similar to the drug bill, and in the first offense, or the imposition of a sentence for the first offense, it is left completely up to the discretion of the court. I guess that you could say that this type of approach, I like to call the woodshed type of approach. The first time you may or may not end up in the woodshed when you violate the crime or whenever you disobey your parents—to me it is the same thing, but the second time, should you step out of line, you have been warned, or should have been, you step—now I think the electronic system is against me—As I was saying, this is the woodshed type of approach to a problem, if you violate the law the first time, you are warned and that should be sufficient. If you violate it a second time you should face

the penalty, and in this case it is a mandatory prison term according to the severity of the crime and the offense committed.

Now when I first thought of introducing this amendment, I didn't anticipate too many problems, but getting back to my conversation with Jon Doyle I asked him to consider the legal problems with the present amendment and they did, and I have it here in form in front of me and I would like to read it to you:

"Considerations re House Amendment "A" to House Paper 1031, L. D. 1361, Bill "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." The substance of the Amendment is similar in concept to the Maine law prior to State vs. Ferris, 249A 2d 523, January 24, 1969, which considered aggravation not an element of the crime of assault and battery, but as a matter of the measurement of punishment.

In Ferris the court struck down this procedure and held that the defendant was entitled to have the jury determine the factual question of aggravation and that it could not be considered strictly a matter of measurement of the punishment to be imposed.

Such a planning by the trial judge, the court said, violates his constitutional right of trial by jury, page 528.

We urge that the Committee Amendment is similarly unconstitutional and that it would subject the defendant to an increased penalty upon the finding of fact that a firearm was carried during the commission of the felony. This is a matter of allegation, proof and jury determination, rather than a matter which may be determined by the court for purposes of sentencing.

Another serious problem is the very definite possibility that the proposed amendment would repeal by implication certain criminal statutes now on the books which it is believed should not be repealed. This objection would apply to Title 17, Maine Revised Statutes, Annotated, Section 3402, Assault with Intent to Rob or Steal and so on."

Now I submit to you, ladies and gentlemen of the House, that the proposed bill in its present form is useless and will just clutter up the law books and will probably prevent the justice from being achieved where it should be. And I would hope that you would go along with me to allow me to reconsider our motion whereby this bill was enacted and then I will have to make further amendments, further motions to be able to get to the core of the matter which would be the substitution of Amendment "B" for Amendment "A" and I would ask for a division.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I will try to be very brief. I didn't realize this matter was being held or would come up today and certainly that the good gentleman from Winslow was bringing it up at lunch time, so I will have ask your indulgence for just a few moments because I don't think the time is really too apropos.

Apparently there is a crossing of communication lines. I realize that there was a problem involved and for some days now, and as a matter of fact by coincidence even this morning I have been in touch with the head of the Criminal Division of the State Attorney General's office and he made no mention of any letter by any other assistant down there to the good gentleman from Winslow, Mr. Carter.

I am aware of this problem of repeal by implication. I have spent considerable time already this morning during the debate on one of the other matters down in the office of Director of Legislative Research and this problem that Mr. Carter now brings to the attention of the House for the first time is being worked out and will appear on the omnibus bill. So that there is really no need for us at this particular time to go into reconsideration.

Now with regard to these types of mandatory sentences let me very briefly, and it will have to be very briefly, give you a good sound basic reason why in types of offenses mandatory sentences

just don't do what they are designed to do. Now I have here just by chance from the Federal Rules Decisions on the Sentencing Institute, one of the mostly highly respected court systems in the country, the U. S. Court of Appeals to the Second Circuit in New York, and they use here a model sentencing form. Now it doesn't concern guns, it doesn't concern marijuana, but it will give you some idea of what the very sound and highly intelligent judges in our country are doing before they are passing sentence.

This is a Sentence Report Code 11, Name, Marilee Rue Sorrell, Criminal 40967, Counts, 1; H-35, United States law violation; Prior Record: Minor; Marital Status: Widow; Number of Dependents and Age: Three children; Education: High School Graduate; Health: —; Employment: Subject has a voluminous employment history but has not sustained any long period of employment, usually as an office worker. She has been largely supported by public welfare. Sentencing Judge: Honorable so and so. Date and Sentence: 10-12-66; one year suspended sentence, three years probation with restitution.

Comments: This 35-year old widow, mother of three children pleaded guilty to forgery. She has been known to law enforcement agencies since 1954 for offenses ranging from shop lifting, prostitution to check charges. She has served only short periods of county jail sentences, once in 1954 and once in 1962. She is known to San Francisco and San Mateo probation officers. Most of her criminal record occurred while married to so and so who also introduced her to prostitution. Subject, herself, was an illegitimate child and her adoptive mother died when she was five years of age. She has lacked any type of family interest or support. Her marriage was to an unstable individual who engaged in criminal activities. The current offense seems to be an isolated incident occurring under financial stress.

Now ladies and gentlemen of the House, this is the type of report that any good intelligent judge, and I say our judges in Maine are good

and intelligent men, would want to consider before passing sentence and if we reconsider and allow the good gentleman from Winslow to go back to this idea of mandatory sentences again on the type of offense on which he is talking, we are just getting ourselves into a quagmire. The legal problems I already was aware of and I wish Mr. Carter had spoken to me before. I have spent a good deal of time working them out. I spent time this morning in Sam Slosberg's office, and believe me if your Committee can come out with a sound, workable bill we are going to do it, but I don't think we should reconsider, I don't think we should have to get into this business of suspending the rules. I don't think we should have to be discussing this at lunch hour and I strongly urge the House to vote against reconsideration.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Berman, we shouldn't be discussing this at lunch time but it was no choice of mine and I am kind of in a quandary how to answer Mr. Berman as to why I didn't communicate with him. I tried to be a lousy poker player and show my hand before I moved. I played it before and I ended up in defeat. And I decided well perhaps I should become a different type of a poker player and not reveal my hand until it is time and I think this is the time.

Now to refute some of Mr. Berman's arguments about the ineffectiveness of mandatory prison terms I would like to recall some statistics to you which I circulated in the House previously.

Homicides or murders in ten countries. The United States leads with 16½ persons murdered per 300,000 population, followed by Canada, Australia and so forth, down to England and Wales at the bottom with a rate of one person murdered per 300,000 population. As you will recall, ladies and gentlemen, England has a very strong mandatory prison term law on the books, so strict that if a

person uses a BB-gun, which is nothing but an air rifle, in the commission of a crime he is sent to jail or prison for five or ten years. There is no probation or parole. Now this is on the first offense. I am not asking for a first offense; I am asking for the second and subsequent offense similar to the drug bill. And I hope you will go along with me.

The SPEAKER: The pending question is reconsideration whereby this Bill was passed to be enacted. The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

68 having voted in the affirmative and 33 having voted in the negative, the motion to reconsider did prevail.

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

Mr. CARTER: Mr. Speaker, I now move that the rules be suspended for the purpose of reconsideration of engrossment.

Mr. Berman of Houlton requested a vote.

The SPEAKER: The gentleman from Winslow, Mr. Carter moves that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote to suspend the rules. All in favor of suspending the rules will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

76 having voted in the affirmative and 32 having voted in the negative, the rules were suspended.

On further motion of Mr. Carter of Winslow, the House reconsidered its action of June 4 whereby the Bill was passed to be engrossed.

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

Mr. CARTER: Mr. Speaker, I move the suspension of the rules for the purpose of reconsidering House Amendment "A".

The SPEAKER: The gentleman moves that the rules be suspended for the purpose of further reconsideration. Is there objection? (Cries of "Yes")

The Chair hears objection and he will order a vote. All in favor

of the rules being suspended will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

75 having voted in the affirmative and 30 having voted in the negative, the rules were suspended.

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

Mr. CARTER: Mr. Speaker, I now move indefinite postponement of House Amendment "A".

The SPEAKER: The Chair understands that the gentleman moves that we reconsider our action whereby we adopted House Amendment "A". Is this the pleasure of the House?

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

Mr. BERMAN: Mr. Speaker, Members of the House: I am not going to debate this matter at length, a quarter to one after a long and hard day. I am simply going to point out to you that the chances are we are going to be in very serious non-concurrence, this matter is going to be before us day in and day out—and I try to say this in good grace, but if that is what the House wishes I am perfectly willing to go along, I mean I have spent hours and days trying to work out something so we wouldn't have this problem but if that is the way it has to be I am going to take it with good grace and just see what happens.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Unlike my friend from Houlton, Mr. Berman, I am not absolutely convinced that I can accept in good grace the suggestion that we reverse now literally hours of work, at least an hour and a half of debate and discussion about this issue. Now House Amendment "A" represented literally months of work. This all began you will recall when we had the bill, the so-called gun control bill that was supported by the Governor. This bill it was determined was obnoxious and repugnant to the great majority of the members of this House of both parties. At this time we indicated, at least members of my party felt, that the way to answer this

problem is to make the carrying of a firearm in the course of the commission of a felony even though the firearm was not used, to make that a separate offense for which there could be severe penalty.

Now you will recall that the Judiciary Committee, and I suggest that this was the fact, was reluctant to bring forth a proposal that would be consistent with the wishes of those of us who believe we should depart from some of the legalistic nit-picking that is going on and get to the heart of the issue, which is the carrying of a firearm while committing a felony. Now at this point in time after numberless backs, fills and so forth, the gentleman from Augusta, Mr. Lund and others who are sincerely committed to trying to do something about this problem have produced the bill which is in its present form.

Now there doesn't seem to me any good purpose to be served by going back to the gentleman from Winslow, Mr. Carter's position which is mandatory penalties. Mandatory penalties particularly in this area and without reference to any discussion about marijuana or hard drugs or anything else, mandatory penalties in this area simply will not work. I believe that we have made a significant step forward with the legislation that we now have and I would suggest to you that the answer to responsible legislative activity isn't to continually come back and try to rehash and go over it until you win your point. Many many times all of us have had to accept, sometimes very reluctantly, the judgment of this House and I think that the gentleman from Winslow, Mr. Carter might take a page from the book of many others who do accept the judgment of the House.

Now we have taken a really significant step. We have arrived at a meeting of the minds and today I hope that you will not reverse that. I hope you will vote against the motion to indefinitely postpone and when the vote is taken I request a roll call.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In discussing very briefly this measure yesterday with the gentleman from Winslow, Mr. Carter, as he has previously indicated the only purpose that he wanted to reconsider this item was that through the Attorney General's office one of the assistants had indicated that there was a part in the document in its present form as of yesterday that might very well have been unconstitutional, and my understanding of Mr. Carter's intentions was only to take care of that part which was designated as to be unconstitutional and I hope that that was the only intention that Mr. Carter, the gentleman from Winslow has for reconsideration of this document before you this morning.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: It is my understanding that Mr. Lund's amendment had some problems concerning certain procedural aspects of it in that it might repeal by implication certain other statutes concerning crimes with firearms. If this is the case I submit this is purely a procedural matter and it could be straightened around with the omnibus bill which the Judiciary Committee has now and we would be most willing to straighten out any problems in the procedure which this amendment might bring forward through the omnibus bill. But to kill Mr. Lund's amendment after the House has accepted it and after the work that the gentleman from Augusta did along with the Majority Floor leader, Mr. Richardson, I think would be wrong at this late stage of the game.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take issue with the amount of work that any person has done here. I have stated my position based on sound judgment and not for revenge or refusing to quit on any particular mea-



sure. As I pointed out to you House Amendment "A" poses two problems. One, the problem of constitutional right of trial by jury as far as the person who is an offender is concerned and the other problem in the area of repeal by implication.

Now as I stated before what I would like to do is substitute House Amendment "B" for House Amendment "A". Now House Amendment "B" will be similar to the amendment, Report "B" of the drug bill that Mr. Jalbert presented earlier which will provide for a mandatory prison term on the second offense, not the first. The first offense will be left up strictly to the discretion of the Court. Now I would like to cite further here that this is not final legislation. This has been adopted in many other states before and it has also been adopted by the 90th Congress in the form of Public Law 90-618. Now this carries a mandatory prison term for the first offense along with a mandatory prison term for the second offense and I would like to remind the ladies and gentlemen of this House that this legislation was signed by Senators Muskie and Smith, along with Congressmen Kyros and Hathaway.

Now someone in this House has previously stated during debate that any mandatory prison term theory that anyone might have is all wet, and I would like to take issue with that. I would like to quote a few excerpts from one of President Nixon's speeches on this subject when he was a candidate for office prior to the passage of Public Law 90 in October, 1968. Now the excerpts are from a statement made by then candidate Nixon on July 9, 1968 and I quote.

"One of the chief forces behind proposed gun control in the country and in Congress is the urgent demand of the American people that the criminals preying upon society be disarmed. It is time that society moved at the federal and state level to deal directly with the armed criminal, he is a special menace and special deterrents are needed. The gun the criminal uses in the commission of his crime should become as great a threat

to him as it is today to his victim. Any person convicted of using a gun in the commission of a major crime should receive a mandatory prison sentence." I repeat, ladies and gentlemen, a mandatory prison sentence, not on the first or second or third, on any offense.

"For its part the Congress should consider immediate legislation providing for a mandatory prison term of substantial duration for any felon who uses a firearm in the commission of a serious federal crime. The fifty states should consider action along identical lines. Such legislation, and it would have to be enacted at the state level to be truly effective, would be directed to it and would fall with decisive impact on the estimated 115,000 professional criminals in this country, particularly the multiple offenders who are responsible for most of the crimes of violence and brutality. The effect of these laws would be either to disarm them or to imprison them leaving society safer."

Ladies and gentlemen of the House, I hope you will go along with me to postponement of House Amendment "A" and let me adopt House Amendment "B" which will serve to deter a very serious problem in the State of Maine.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I think the amendment that we adopted that was sponsored by Mr. Lund makes a great deal of sense and that we should retain it. I support the idea put forward by Mr. Moreshead of Augusta that if there is any repeal by implication it is a procedural problem which we can correct in the omnibus bill under Judiciary in cooperation with the Attorney General's department. Consequently I oppose the motion of the gentleman from Winslow, Mr. Carter.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I find that when when I was a child my father would give me a warning and if that warning didn't stick

that he would punish me for the second offense, and this is exactly what Mr. Carter's bill would do. It would be a mandatory punishment. I think if a person receives sufficient warning which he would have in the first offense as to what happens to him if he does the same thing again that should be warning enough and if he commits the same thing over again it is his own fault.

The SPEAKER: The pending question is reconsideration of the adoption of House Amendment "A" and the Chair will order a vote. All in favor of reconsidering the adoption of House Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote. A vote of the House was taken.

55 having voted in the affirmative and 50 having voted in the negative, the motion prevailed.

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

Mr. CARTER: Mr. Speaker, I now move indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Winslow, Mr. Carter moves the indefinite postponement of House Amendment "A".

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I listened very attentively to the words of now President Nixon in his remarks, and I know of course that they have been read correctly, and in following very closely I noted that President Nixon was talking about mandatory penalties for the commission of a felony involving the use of a firearm. Now this is quite a far cry from what we are talking about here. In this amendment that we are discussing we provide for a 6-year jail sentence, for the additional six years, in the event that a person commits a crime while carrying, while carrying a firearm. And that means that he is subject to a 6-year sentence simply for having the firearm in his possession even though the weapon in itself played no part in the commission of the felony.

Now I think it is an important distinction. The second thing is that I am very reluctant—I regret very much that we have the suggestion here that there is some unconstitutionality or some great tremendous procedural defect. I don't recall that the gentleman has reported to us any Attorney General's opinion that says that the bill in its present form, that is with the House Amendment on it that he seeks to indefinitely postpone, that this is subject to any infirmity at all.

So the real question here is whether or not you are going to undo the work that you have done, which I thought was good work and the result of a great deal of effort, and go into a 9-page amendment which has a great many other problems with it other than the one that Mr. Carter is attempting to correct. And I hope that you will not vote to indefinitely postpone and when the vote is taken I request a division.

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

Mr. BERMAN: Mr. Speaker and Members of the House: The good gentleman from Cumberland has hit the nail squarely on the head. If we are going to go into this lengthy amendment at this time I suggest to the House that we are doing something that could be very unwise. These problems can be ironed out. I have been working days to iron them out. I think that at this time in our session the spirit should be one of compromise and negotiation and not undoing something complicated that we have already done. So I very strongly urge you that regardless of what personal feelings may exist in this House to vote along with Mr. Richardson against indefinite postponement of this amendment.

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

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: I would merely like to state that this 9-page amendment also represents an awful lot of work. It was drawn through the Attorney General's office. I hope you will support my motion.

The SPEAKER: Is the House ready for the question? The pending question is the indefinite postponement of House Amendment "A". If you are in favor of this motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

43 voted in the affirmative and 65 voted in the negative.

Whereupon, Mr. Carter of Winslow requested the yeas and nays.

The SPEAKER: For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the indefinite postponement of House Amendment "A". If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Bedard, Binnette, Bourgoin, Carey, Carter, Casey, Couture, Crommett, Croteau, Dam, Emery, Eustis, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gilbert, Giroux, Hanson, Heselton, Hewes, Jalbert, Jutras, Kelleher, Keyte, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Marquis, McKinnon, Morgan, Nadeau, Payson, Quimby, Ricker, Rocheleau, Starbird, Tanguay.

NAY—Allen, Baker, Barnes, Benson, Berman, Bernier, Birt, Boudreau, Bragdon, Brennan, Brown, Buckley, Burnham, Chandler, Chick, Clark, C. H.; Clark, H. G.; Cottrell, Cummings, Curtis, Cushing, Dennett, Donaghy, Durgin, Dyar, Good, Hall, Harriman, Haskell, Hawkens, Hichens, Huber, Hunter, Immonen, Jameson, Lewin, Lewis, Lincoln, Lund, Marstaller, Martin, McNally, McTeague, Meisner, Millett, Moreshead, Mosher, Norris, Porter, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.;

Scott G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Waxman, Wheeler, Wood.

ABSENT—Bunker, Carrier, Coffey, Corson, Cote, Cox, Crosby, Curran, D'Alfonso, Danton, Drigotas, Dudley, Erickson, Evans, Farnham, Faucher, Finemore, Foster, Gauthier, Hardy, Henley, Johnston, Kelley, K. F.; Kelley, R. P.; Kilroy, MacPhail, Mills, Mitchell, Noyes, Ouellette, Page, Pratt, Rand, Ross, Santoro, Sheltra, Temple, Watson, White, Wright, Williams.

Yes, 42; No, 67; Absent, 41.

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

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

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

On request of Mr. Benson of Southwest Harbor, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence, and all matters that required Senate concurrence; and that after such such matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

Thereupon, on motion of Mr. Richardson of Cumberland.

Recessed until two-thirty o'clock in the afternoon.

#### After Recess 2:30 P. M.

The House was called to order by the Speaker.

#### Orders of the Day

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

Conference Committee Report on Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243)

Tabled — June 18, by Mrs. Baker of Orrington.

Pending — Acceptance.

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

Mr. EMERY: Mr. Speaker and Members of the House: I move that we accept the Majority Report of the Conference Committee on L. D. 1583, the redraft of L. D. 1302, as amended by Committee Amendment "A", under filing number H-555.

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

Mrs. BAKER: Mr. Speaker and Members of the House: I rise to oppose the motion to accept the Report of the Committee of Conference and would speak to my belief.

The SPEAKER: The gentlewoman may proceed.

Mrs. BAKER: Mr. Speaker and Members of the House: This bill had a unanimous "Ought not to pass" Report from the Committee on Legal Affairs. This report was accepted in this body. The Senate, however, substituted the bill for the report. The bill was introduced by a member of the House who is also a city councilman in Auburn. Although the bill seeks to give additional power to Auburn City Council, it was introduced without the knowledge of the Mayor of Auburn and the other members of the Council and did not come to their attention until a few days prior to the hearing before the Legal Affairs Committee.

Upon hearing of this L. D. the Auburn Council voted four to zero to oppose this bill and communicate its views to the Legal Affairs Committee. The Committee respected the views of the Council by unanimously reporting the bill "Ought not to pass." I do not think that it is good legislative policy to confer upon the Auburn City Council powers which it does not seek or want, especially where the legislation may interfere with the orderly conduct of its affairs.

In addition, one fact is that the bill is bad legislation from the point of view of legislative policy. The City Councilor of Auburn feels that there are technical problems with this legislation. The amendment of the Committee of Conference does not cure the objections to the bill and when the vote is taken I would ask for a division.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: The majority of the members of the Conference Committee approved the bill with a referendum provision attached as contained in Committee Amendment "A". The present council doesn't approve of this bill but there may be other councils in the future that would like to see this pass. A good percentage of the people in my town do want to see this bill passed and it still goes back to the provision for home rule.

The House previously approved of this bill. I certainly agree with the decision of the Conference Committee. I only ask that we keep faith with the wishes of the Committee and send the bill along to my people so as to allow them to judge on the merits of the bill and decide if they wish to give their elected representatives, the councilmen of the future, the right to confirm and vote on bids totaling literally thousands and thousands of dollars worth of contract of services and equipment each year.

I would ask that each of the members of the House consider this bill from the standpoint of the taxpayers and voters of Auburn. Search your conscience and decide if you would like to see a selectman and city councilman without the right to control bids and contracts. The question will be raised as to why this has not been done before on the local level. I can answer this if necessary. Picture a certain group that are known as a power bloc in a particular community. Attempt to combat this group as a taxpayer and you will see why the old saying "You can't fight City Hall" is true.

There may be an argument as to why the bill is before the Legislature. I will ask why is it that we have all of the various local bills before us. My people have a lot of faith in the integrity of the Legislature and this is why we have turned to you in our hour of need.

This bill is opposed by the same power bloc that has appropriated \$500 of taxpayer dollars to hire lobbyists. I sincerely believe that this money could be used in my area to support our needy children, buy medicine for our aged, or to buy holiday baskets for the needy. It could have been used to help the Lewiston-Auburn children's home too.

I say let's send this bill on its way to a referendum and let my people have the final decision. If our city manager doesn't like this bill, perhaps he should resign and run for the legislature himself. Thank you.

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

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the House: I am almost tempted to say that this reminds me of previous sessions when a neighboring city occupied most of the deliberations of certain committees, but nevertheless I have to stand to support my convictions that this charter of ours as it was written is right and the stand that I am taking on the contractual services is right. And I do support the position that has been taken by Mrs. Baker, the House Chairman of the Legal Affairs Committee.

The Auburn City Council is composed of five councilmen as we all know by now. May I repeat what facts conveyed to you last week. The Mayor and four of Auburn's Council are inalterably opposed to this bill because it would seriously hamper the orderly conduct of Auburn's business and that transactions involving \$500 or more would have to be referred to the City Council for their judgment.

Four of Auburn's Councilmen agree that a body meeting, two, three, or even four evenings a

week during the month, that type of a situation doesn't provide a proper knowledge background for the purchases of expensive and sometimes sophisticated equipment and services. If I too was a councilman and at the same time a legislator or a lawyer or a farmer or a milkman or whatever, I am sure that in all honesty I do not think that I could tell the people that elected me to that Council that I had voted wisely on say the purchase of a \$12,000 piece of street highway equipment. I therefore support again Mrs. Baker's stand.

May I also point out to the members of this House that the Committee of Conference Report was not unanimous. Senator Minkowsky, according to this morning's Daily Sun and confirmed by him personally this morning, was not present and said he was not notified that a meeting was to be held and now assumes that each conference member was asked a personal opinion. This I do not believe is a desirable and intended way to deal with a Committee of Conference matter.

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

Mr. EMERY: Mr. Speaker and Members of the House: I hate to oppose the motion of the gentleman from Auburn, Mr. Drigotas, but being a member of the Council I can state that last year we had a total of 104 bids for the total year and of these an average—we have two meetings per month, and dividing that into the 104 bids, approximately four or five bids per meeting would not take up much more than ten minutes per meeting.

The other evening we had a meeting. We considered 20 bids that evening on tax acquired property. This took approximately twenty-five minutes and I can't see where there is any great amount of money would be involved.

As far as the good Senator from Lewiston, Senator Minkowsky, he wished me to apologize to him for a statement in the paper, and this I refuse to do. I furthermore would suggest the good Senator can run Lewiston and his district and I will

look out for the City of Auburn. Thank you.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am kind of out of my district on this but being a member of the Conference Committee I believe I should state our stand. The five that met on this were in unanimous feeling on it. We couldn't seem to contact the other one, the day that I signed it at least. And in bringing this "ought to pass" with this Committee of Conference amendment, I do not believe, no matter what town it is or what city it is, if anything comes up that should go to the people and you put the referendum on it, where they can vote on it, I do not see any harm in doing so. And I hope that you will go along with the motion to save this bill.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: We have got a number of charter bills in the Legal Affairs Committee and the reason we get them was because they are outdated, they are not what they need. So they come into us with new charters and we go over them and pass them out. We passed this bill for Auburn out last year. I thought they had a very good charter. They took out a lot of dead wood and put what they needed into it but now it seems that a group of special interests are going to load this up one place after another until they get it so fouled up they will have to come back for another new charter all over again.

We do have one city in the State of Maine with a charter that has to be run from the Legislature. Now it looks like we are going to have two. And I am very much opposed to accepting this committee report.

Mr. Emery of Auburn was granted unanimous consent to speak a third time.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I will not prolong this debate but I will say one thing, if

it was possible to amend our charter at home in the past, we would have done it. Our only means to amend our charter and correct it is by coming to the Legislature; therefore this bill is here. If this bill is no good, I feel that the citizens of Auburn should have the right to vote on it at least and turn it down. So I therefore oppose Mr. Shaw and the motion of the lady from Orrington, Mrs. Baker. Thank you.

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

Mrs. BAKER: Mr. Speaker, I would like to ask a parliamentary question.

The SPEAKER: The gentleman may pose her question.

Mrs. BAKER: You already have a motion with regard to this, the acceptance, and have I made a motion for division?

The SPEAKER: If the gentleman makes a motion to reject the Committee Report, it is a motion of priority.

Mrs. BAKER: I will make a motion to reject the Committee Report.

The SPEAKER: The gentleman from Orrington, Mrs. Baker moves that the Conference Committee Report be rejected.

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

Mr. DRIGOTAS: Mr. Speaker, I haven't asked for many roll calls this session, but I am going to ask for this one.

The SPEAKER: Is the House ready for the question? The gentleman from Orrington, Mrs. Baker moves that Conference Committee Report on Bill "An Act relating to Bids for Contractual Services under the Auburn City Charter," House Paper 963, L. D. 1243, be rejected. The gentleman from Auburn, Mr. Drigotas moves that the vote be taken by the yeas and nays.

For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All members 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, and more than one fifth of the members present having expressed

a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Orrington, Mrs. Baker that the House reject the Conference Committee Report. If you are in favor of that motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEAS — Allen, Baker, Barnes, Berman, Birt, Bragdon, Brown, Buckley, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crommett, Cummings, Dam, Donaghy, Drigotas, Dudley, Durgin, Erickson, Farnham, Good, Hardy, Harriman, Hewes, Hichens, Huber, Hunter, Johnston, Kelleher, Laberge, Lawry, Lee, LePage, Lewin, Lincoln, Lund, Martin, McKinnon, McNally, Meisner, Millett, Moreshead, Morgan, Norris, Payson, Porter, Pratt, Rand, Richardson, H. L.; Rideout, Sahagian, Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Vincent, Watson, Wheeler, White.

NAYS — Bedard, Berrier, Binnette, Bourgoin, Burnham, Carey, Carter, Casey, Coffey, Cote, Couture, Croteau, Curtis, D y a r, Emery, Faucher, Fecteau, Fine-more, Fortier, A. J.; Fortier, M.; Fraser, Giroux, Hanson, Hawkens, Henley, Immonen, Jalbert, Kelley, K. F.; Kelley, R. P.; Keyte, Lebel, Leibowitz, Levesque, Lewis, MacPhail, Marquis, Marstaller, McTeague, Mills, Nadeau, Ouellette, Quimby, Ricker, Rocheleau, Ross, Santoro, Sheltra, Tanguay, Temple, Waxman, Wight, Williams, Wood.

ABSENT — Benson, Boudreau, Brennan, Bunker, Carrier, Cottrell, Cox, Crosby, Curran, Cushing, D'Alfonso, Danton, Dennett, Eustis, Evans, Foster, Gauthier, Gilbert, Hall, Haskell, Heselton, Jameson, Jutras, Kilroy, Mitchell, Mosher, Noyes, Page, Richardson, G. A.; Scott, C. F.; Starbird, Tyndale.

Yes, 65; No, 53; Absent, 32.

The SPEAKER: Sixty-five having voted in the affirmative and fifty-three in the negative, the motion to reject the Conference Committee Report does prevail.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move for reconsideration and I would ask that you vote against me.

The SPEAKER: The gentleman from Orrington, Mrs. Baker moves that the House reconsider its action whereby it rejected the Committee of Conference Report. All in favor say yes; those opposed say no.

A viva voce vote being taken, the motion did not prevail.

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

HOUSE REPORT—"Ought to pass"—Committee on Natural Resources on Bill "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment" (H. P. 1275) (L. D. 1603)

Tabled—June 18, by Mr. Hewes of Cape Elizabeth.

Pending—Acceptance.

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

Mr. HEWES: Mr. Speaker and Members of the House: I move the indefinite postponement of this bill and would speak to my motion.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes moves that both Report and Bill be indefinitely postponed. The gentleman may proceed.

Mr. HEWES: As I understand this bill it would permit or require a vote by the towns that were within fifteen miles of a proposed new industry to vote if that new industry should locate in a particular spot. The test or standard to be applied, as I see, is whether the industry "may tend to harm or endanger or adversely affect to a significant degree" the air and water. And having seen how Portland and South Portland in our area have competed with one another for certain industries I can envision if an industry wants to locate we will say at South Portland as Jordan Marsh is now—not that Jordan Marsh is the type of industry that would be considered one to harm and endanger the atmosphere, but an industry locating in the South Portland Shopping Center might

not have the support of Portland citizens, and because Portland is twice or three times the size of South Portland in a vote the Portland voters might outweigh the South Portland voters.

And this would apply wherever you have sort of a large hub city because the towns—that larger city could outvote the smaller communities. I do know that we need protection of our atmosphere, our air and our water. On the other hand, I think that this bill makes too broad requirements; for example in South Portland I was checking, there will be thirteen communities would have to vote—going out to Old Orchard Beach, Saco, Scarborough, Buxton, Westbrook, Windham, Portland, South Portland, Cape Elizabeth, Falmouth, Cumberland and Yarmouth, in case an industry wished to locate in South Portland. So I feel that this bill is not, in its present form, is not in the best interests of the people of Maine.

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

Mr. MacPHAIL: Mr. Speaker and Ladies and Gentlemen of the House: I am extremely pleased to find an attorney thinking the way I do. If ever there was a piece of legislation designed to stifle industry, this is it. I concur with the motion to indefinitely postpone.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped that the opponents of this legislation would not have sought today to debate this measure, we could have gone to third reading where some amendments could have been put on. But now we have gotten into it, I am going to urge you not to vote for indefinite postponement and keep this bill alive until third reading tomorrow, until the amendments can be brought before you.

Now I am of course always enchanted by the inventive legal mind, but I fail to see any basis upon which the Water and Air Environmental Improvement

Commission could find that the location of a shopping center in South Portland might tend to pollute the atmosphere in Portland. And this bill would require that such a finding be made by the administrative agency that this activity would tend to pollute. And as I say, the inventive legal mind being what it is might be able to dream up some possible connection between the two, but perhaps because it is late in the day and late in the session I can't.

The problem that occurred in Trenton, Maine, the situation in Trenton that could have proved a disaster for Mount Desert, for all the coastal communities in that area, where we have hundreds and hundreds and thousands of dollars in investment, and people and property. That problem led us early in the session to adopt an order, introduced by Representative Jon Lund of Augusta, asking the Natural Resources Committee to get together and try to work out a solution.

Now unless we look at the day when we recognize that the location of a particular industry in any particular town may very well have ramifications in the pollution sense far beyond the borders of that small community whose economic interests are to be served, unless we recognize that day we are going to have more Trentons, we are going to have more Long Island tank farms and we are going to have more a lot of these things.

Now I urge you to defeat this motion to indefinitely postpone so that the amendments and the facts in back of this dispute could be brought before you clearly, and then you can express your judgment on the basis of the true facts and not on some specious argument about a shopping center in South Portland.

When the vote is taken, Mr. Speaker, I request a division.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I agree with Mr. Richardson to keep this bill alive for the purpose of refining



it and I agree with Mr. Hewes that we should not get into the area whereby one community would hold back another community because of an industry like a shopping center. But by the same token until we get into some kind of regional planning, because we are so interwoven today, one community to another, we should have some kind of legislation whereby the region can be protected and not just the individual community. I would hope that you would defeat the motion to indefinitely postpone so that we can amend this and do something workable.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This is quite a large document and in order to satisfy me it is going to require an awful lot of amendments.

I first would call your attention — this is legislative document 1603, to page two, subchapter four. If there is anybody in the House that could agree with that chapter, I would be very much surprised, and I would like to tell you just how it would affect my area.

I come from a town that has seven distinct parts. It was actually seven little towns made into one town. Now in one end of town we have some industry — as a matter of fact a tannery; and the rest of the town deals with summer people and cottage residents, and we call one part of it Cottageville and Apple Hill and so on and so forth, Dobson Road and so forth. Now these people are only four miles from the industries, but they never would vote to have an industry in that town and the other half of the town is starved to death.

And this is just one of the things. I am not going to bore you with a lot of time but I think if you don't want to stay here all summer you better see fit that this bill is indefinitely postponed. I am not an attorney, but I know what my people want and I know what's good for the area, and I know that this would be d--- bad for them, and I think that it would be bad for your area. I hope that the motion to indefinitely postpone prevails.

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

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with Mr. Richardson's motion, that this bill not be indefinitely postponed at this time so that we may present the amendments which I hope will straighten out the bill to the satisfaction of everyone. Thank you.

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

Mr. WAXMAN: Mr. Speaker, Ladies and Gentlemen of the House: I had planned on voting for indefinite postponement, but I like I am sure a number of you here have an open mind, I would be curious and I would hope that someone would be able to answer the question. What is the nature of the amendments which are intended to be offered and how would they make this bill any more acceptable?

The SPEAKER: The gentleman from Portland, Mr. Waxman poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I am not sure that discussion of the amendment would be germane under our procedural rules but I certainly want to indicate that one of the things that has bothered me about the original proposal was that I thought it was cumbersome and unwieldy and in fact unworkable.

Now some of these problems have been straightened out, but I think that we have got to ensure that the only basis upon which a referendum would be required is when a competent authority — and I believe the Air and Water Improvement Commission is such an authority, makes a finding based on fact, that there is a substantial threat and until we can clear up that I can assure everyone in this House that I am not going to vote for any such legislation as this. But I think that as the gentleman from Portland has indicated, the course of fairness and the opportunity to act responsibly indicates

that we should wait and see the proposal in its final form and then make our judgment. I hope I have answered his question.

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

Mr. HEWES: Mr. Speaker, I move that this be tabled until tomorrow, June 20.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes moves that this matter be tabled until the next legislative day pending his motion to indefinitely postpone.

Mr. Richardson of Cumberland requested a vote on the tabling motion.

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

A vote of the House was taken.

37 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Mr. Hewes of Cape Elizabeth was granted permission to speak a third time.

Mr. HEWES: Mr. Speaker and Members of the House: As I understood Mr. Richardson, the gentleman from Cumberland's comments, he doesn't approve of the bill either in its present posture. It well may be that I would not be opposed to it if I knew what the amendments are going to be, and that was the reason I suggested the tabling motion.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: The reason that I opposed the tabling motion, for the benefit of the gentleman from Cape Elizabeth, is that the amendment cannot be offered under our procedural rules until third reader, and you have accomplished exactly the same thing by giving it its two readings today. I regret that we got into this long debate. We could have debated this at length with the amendment before us tomorrow.

This is the reason I am trying to suggest that we allow the bill to go to third reading. No one is making any commitment to vote for this bill; I most assuredly am not. I want to see the amendment.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: We have debated this quite substantially up to this time and I think we may as well continue. I don't believe, myself, that any amendment can be proposed that is going to substantially change what is already written into the bill. I realize that this bill came about because of a controversy in the Portland area. However, I think that every member of this Legislature should look carefully at this bill and attempt to determine what its ultimate effects would be in their own area.

I am going to go back a ways and I am going to make this statement—that if such a bill had been in existence at the time of the beginning of the processing industry in Aroostook County which now handles probably well over half of our entire production, if such a bill had been in existence at that time we would probably not have been able to have established one processing plant, and I would explain to you what I mean. Without doubt the Air and Environmental Commission, if they had been in existence at that time, would have ruled that this type of an industry is a polluting industry. It is unavoidably so. These processing plants are located along the length of the Aroostook River and they extend into Canada on the St. John River where McCain's have a large processing plant on the St. John River.

I point out to you that had this bill been in existence at that time, that the vote of the people—I don't know hardly how to refer to them here, but we will say they believe that the ideal way to live would be a Thoreau-like existence where they could perhaps catch some fish and fight black flies, would be superior to an industry-oriented community, would have voted

against these processing plants, and along with the vote of the people from down river from every one of these processing plants, along with their vote would have made a situation where I say that not one of them could have been established.

We have had one in another area in the state that I wonder—and possibly the lady from the Bangor area might comment on this, I wonder whether Chlor-alkali could have been established in Brewer had such a bill as this been in existence at that time. This to me is definitely an anti-industry bill. Now the people working in the processing plants of Aroostook County are definitely much more prosperous, they have good homes, they drive good cars; and the people in my town, there is hardly a woman who does not work in one of these plants in Aroostook County. They have bolstered their income. They are in a much better situation than they would have been had these processing plants not been built. I implore this Legislature to vote against this bill at this time.

I was impressed by an editorial that appeared in the Portland Press Herald, June 13, 1969. It is not very long, and if you will excuse me I will read it.

“The concept of regional control over environmental pollution by industry has much to recommend it. Some procedure of that nature may eventually be inevitable.

But is comparatively new and insufficiently explored. It holds many complications. It is a matter of considerable sensitivity as is any program which crosses municipal boundaries. Thus it would not seem advisable for the current session of the legislature to enact any measure providing for such controls.

The proposed King Resources Co. project in Casco Bay certainly adds some element of urgency to the consideration of a bill designed to permit area referendum before construction of any facility which could pollute the environment of a region. The bill would provide for voting by residents of communities within 15 miles of the

municipality in which the industry proposed to settle.

The present legislative session is, hopefully, drawing to a close. This is a matter of such far reaching implications that much study is indicated. But there is no great wealth of experience to guide legislators in this approach.

This is permitting a whole region to mix in the internal affairs of one town or city. If the region is to determine what industry will be permitted to locate in its area, shouldn't there be some provision for regional responsibility in enforcing standards? It would not be fair for a dozen towns to set a code but leave one community to enforce it.

This is a matter to be explored in depth but hasty action is to be avoided.”

I hope you will not vote to go along with this bill at this time.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This is the second time today that my name has been connected to a bill or an amendment. I think at least I ought to comment briefly on it. I would like to at this time.

Contrary to the understanding of the gentleman from Perham, Mr. Bragdon, this bill is not before you because of a problem in Portland. If you will go back in your recollections to the earlier days of this session before things got so hot and steamy down here, there was a good deal of public interest in the problem that was presented by the plant that was proposed to be located at Trenton, and there was a great deal of concern being expressed by residents of the surrounding communities about what would happen to Bar Harbor and other areas close by Trenton—they were very much dependent upon the natural environment for their income from the tourist industry, if Trenton should have voted differently than it did. And you may recall that I spoke here in the House asking unanimous consent and I discussed the problem. Following my remarks a good deal of interest was shown

and I did put an order in and it is that order which has resulted in the drafting of the legislation that you now see before you.

To be realistic, it isn't going to be very hard to kill a bill like this, and it isn't hardly sporting to kill it today. At least let's give it a chance to have had some opportunity for life, some opportunity for discussion. Again I say, this problem is not going to go away, and I would take a word or two from the editorial which Mr. Bragdon just read, that this isn't necessarily a time for hasty action. If it isn't possible to amend this legislation, then I am sure it will suffer defeat at this session, but I am sure that Mr. Bragdon and others of you have seen the amendments which begin striking out everything following the enacting clause. I haven't seen the amendments; it seems to me it might be well worth a few minutes of our time to consider this on another day when the amendments are ready. I would hope that the House would vote against indefinite postponement.

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

Mr. HARDY: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Natural Resources Committee, and this is one bill that perhaps I wasn't too enthused with, but I am in total agreement with letting this thing go along to have its second and third reading. I would like to see just what the amendments are going to be, and I wanted to point out to you who have fears of this bill surviving this session, that this does have an emergency preamble on it and that feature alone practically guarantees the fears you have.

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

Mr. ALLEN: Mr. Speaker and Members of the House: Just today I learned that the Potato Services on the Aroostook River and Vahlsing on the Prestile Stream have committed themselves to spend substantial sums of money to clean up those streams. Perhaps Caribou will have good

drinking water once again, which we don't have now.

Now I feel sure that we can have pickerels and payrolls too, and I like the idea of their establishing methods of returning the water to the rivers not in the polluted state they have been. I think that the potato processing plants would have come anyway whether we had said you can dirty up the rivers all you want to or you can clean them up first.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: I signed this bill out "ought to pass" but at the time I had several questions, one of them of which was the number of signatures, which would be a hundred, just so you could bring your case to court. In an area such as Portland a hundred wouldn't be very much, but in Trenton it would be a great number of signatures. Perhaps this is where this could be amended. I think the bill is a necessity and I hope you go along with Mr. Richardson.

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

Mr. NOYES: Mr. Speaker, may I pose a question. Has this bill ever had a public hearing?

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

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In answer to the gentleman's question, I believe that we have indicated previously that this bill is the result of an order entered by the Legislature directing the Natural Resources Committee to report out legislation dealing with the problem, and I think the answer is obvious. There has not been a public hearing, but what we did, and we have done this on many occasions before, is direct a particular committee to consider this problem and report out a bill.

If I may, Mr. Speaker, I would like to just make one comment about the editorial that the gentleman from Perham read to you. Back when the Governor of the State was suggesting offshore oil exploration at the outset of this program, a gentleman who was then a member of the State Senate and myself were asked by the press what our reaction was to it and we both indicated that we thought it was an exciting proposition, we hoped that the problems could be worked out, that we could in fact bring a major industry such as had been discussed to the State of Maine.

I am in favor of industry. I think it is just great. Only when we were asked about this, we said that we hoped that there would be sufficient safeguards to insure that our fishing industry and our vacation industry wouldn't be ruined by oil pollution. This precipitated a sarcastic editorial that suggested that we were politically motivated, that we were trying to scuttle the program because we asked that there be some reasonable controls to insure against pollution.

Just to show you how the editorial mind has a tendency to wander, I can't imagine any editorials more vigorous in their condemnation of the disaster at Santa Barbara California than the same paper in which this editorial appeared. It is our responsibility to make a judgment and I hope that the members of the House will give this matter an opportunity to be heard on the basis of the amendment, which among other things will reduce the radius from 15 to 5 miles and will make a number of other changes in this bill that I think will make it more palatable.

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

Mr. NOYES: Mr. Speaker: I believe that this bill is a little too far and too fast and it should be studied, I hope that you give that consideration.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I may be reading this bill wrong. If

so I would like to be corrected. But on page 2, section 4964, Application by industry. "Any industry, plant or operation involving: 1. The mining, removal, refining or processing of any metallic mineral or derivative thereof or." Then it seems to be a brand new section stuck in there, there is no sense in reading it, I will simply tell you the way I am seeing it, if that is enacted I can see the end of the oil industry in Portland and the one in Machiasport. Nevertheless, I would appeal to Representative Hewes to withdraw his motion for indefinite postponement and let it go along to the third reading and see what these amendments are going to be, because as it stands now I would have to go for indefinite postponement.

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

Mr. FARNHAM: Mr. Speaker and Members of the House: During the course of Mr. Bragdon's remarks he posed a question to the lady from Orrington, Mrs. Baker, as to what would happen to the very expensive and very fine industry they have in Orrington, the chemical plant. Well I can tell you what would happen. Hampden is directly across the river from it and our citizens had a big petition up because they were all afraid they were either going to get chlorinated or fluoridated or something. Now I am one of those people who didn't sign the petition because I knew the type of industry, I knew the safeguards that were in it. But the plant would not have been able to locate in Orrington, Brewer, Bangor or anywhere in the State of Maine if this bill had been law then, and I think at this stage of the game that this would make an awful good bill to start the 105th on and let's get it out of the way now.

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

Mr. TEMPLE: Mr. Speaker and Ladies and Gentlemen of the House: I think we have heard this bill debated pretty thoroughly here today for all the merits the bill has, but we must realize that in this discussion here today in this

debate it has come out there was no public hearing, the public hasn't had a chance, and we know that industrial development will be nil if this passes and we are going to pit neighbor against neighbor, and therefore I hope you will go for indefinite postponement.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am going to ask a question of a member that has any intention of proposing any amendments to this document as to what the contents of the amendments may very well be. As I see the document now in its present form you are going to start a complete civil war between two or three different municipalities, that one maybe wanting one kind of an industry, yet the war will be decided between the municipalities in trying to find out just what is going to happen and it is going to be the end of probably not only a civil war in the municipalities but the war of the Republic. So I would like to have some indication as to what the amendments or what changes that could make this bill acceptable which it is not as it is now.

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

The Chair recognizes the gentleman from Cumberland, Mr. Richardson and directs him to confine his comments to the answers.

Mr. RICHARDSON: Yes, sir. That is very difficult to do but I will. There are several amendments that I have heard about and I understand the gentleman from Eagle Lake, Mr. Martin is considering some amendments which I have not seen. The two that I know about, one will reduce the radius to five miles as I apparently unsuccessfully tried to indicate a minute ago. Secondly, the grandfather provisions of this proposed legislation need a great deal of strengthening in order to make clear that existing industries need not be subjected to any ques-

tion of referendum when they are expanding their current operations in other areas. These are just two things that need to be considered and again, I mean this, I plead with you to allow the bill to stay alive to third reading where under our rules that is our only opportunity to offer amendments and allow you to review the bill. I apologize, Mr. Speaker.

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

Mr. FINEMORE: This will be very brief, Mr. Speaker and Members of the House, but just for the record if this bill had been in effect a few years back in Mars Hill they would have been eating fiddleheads and catching fish rather than wading in garden fertilizer.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I want to offer some hope for this bill. I am going to vote for this bill because I think here is a marvelous chance for us to do away with some of our departments. I think if this bill is passed that we can start cutting down right away.

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

Mr. BRAGDON: Mr. Speaker, this bill came in very late. It has been pointed out that it didn't have a good public hearing. It is a very far-reaching bill. We have debated it to some extent here today and I hope that we are ready to take a vote on the motion to indefinitely postpone. As I said before, I don't think that it can be substantially amended to make it much more acceptable. I think also that the urgency of the thing is not such but what it could well wait for the next session of the legislature. I hope that we will go ahead and vote on the indefinite postponement of this bill at this time and let the next legislature take it up and do a good job with it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I recall some of the words expressed by some members of the House when we were debating such things as the Prestle Stream and noting my position on the issue and they said, well how could you do it? Well the difference of course is this, when you have an industry in operation it is a little bit late to start saying we should have done something about it. I think before we get ourselves involved in such issues as the one in Trenton and other issues, perhaps the processing plants in Aroostook are a good example, that perhaps that it is time for us to take a look at the issues now.

I certainly don't agree with this bill. I don't like it. I think it is much too restrictive. It would prevent a ct u a l l y municipalities from having industry if another town next to it would want to prevent it. It would, as the gentleman from Madawaska Mr. Levesque, points out, could start a civil war between communities and I am certainly not in favor of that. But I do think that it is urgent that we, if we want to preserve natural resources in Maine, that we do something about it this time. And I think if we were to look at the amendments when they are ready tomorrow and we have them before us and we find that we still cannot live with what the bill would be, then we could kill it. And I would certainly hope the least we could do is give it its first and second reading today.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I won't bore you long. This is the 92nd day we have been here and I think it is high time that we start closing shop and in order to close shop we have got to get rid of some of these bills that need 25 amendments. There used to be an old saying in the House, that they always planned to get out of here before haying. I do hope that for the farmers in the House here today that we do get out of here before haying time which starts about the first of July.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes that both Report and Bill "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environmental," House Paper 1275, L. D. 1603, be indefinitely postponed. If you are in favor of this motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 74 having voted in the affirmative and 49 having voted in the negative, the motion prevailed.

Sent up for concurrence.

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

Bill "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 1272) (L. D. 1601)

Tabled — June 18, by Mr. Richardson of Cumberland.

Pending—Motion of Mr. Martin of Eagle Lake to indefinitely postpone.

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

Mr. STARBIRD: Mr. Speaker, I will be brief. This bill was worked over to some extent by the Committee of State Government. It was a series of compromises. We came to an agreement. There are some factors in the bill that I don't like. I think there are one or two factors some of the other members did not like, but as with all compromises this was a bill that we felt was the fairest in all respects under the conditions as they exist today and I hope that you will vote against the motion to indefinitely postpone.

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

Mr. MARTIN: Mr. Speaker and Members of the House: After the vote on the other issue, my motion shouldn't have any trouble because we are setting up another board. We are setting up another way of spending money and I guess I

simply am going to change my point of attack and say, I follow suit with item number 3 and I hope that you indefinitely postpone it.

If you look at it, you're setting up an Unclassified State Employees Salary Board, as if we need another board around here. The board would meet annually or at least at other times when requested by the Governor, the President of the Senate or the Speaker of the House, and so I would hope that you would go along with the motion to indefinitely postpone and let's do away with the bill and as the gentleman from Kingman Township, Mr. Starbird points out, if this is a compromise I would hate to see what the original was like.

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

Mr. STARBIRD: Mr. Speaker, I might point out that although there is a new board set up and although another bill to set up a similar board was defeated here sometime ago, and I spoke against that incidentally, this board does not incur any compensation to its members. The board consists of the Governor or his duly authorized representative, it consists of the President of the Senate, the Speaker of the House and two other members appointed by the Governor and approved by the Speaker and by the President of the Senate.

This board is the result of some discussion among the members of our Committee. We thought that the present system of setting salaries was to some extent abused. A few years ago, as you remember, many bills would come in each session setting salaries of the unclassified officials. Each one would have his own bill and it cluttered up our books to a great deal. We simplified this. We put each of them in certain pay brackets as now regulated by the Governor and Council and of course they have an upward limit to which they cannot go over.

Now our problem last session, and I think there was a tacit agreement as has already been stated a number of times on the Floor of this House, that within these

brackets the Governor and Council would use great discretion. Perhaps they have according to their interpretation. That I don't know. But I do know that in practically all instances the salaries were increased close to the limit if not to the limit imposed by law, and this is not what we intended. The board set up is just another way to go at it and I might point out that the only expense that might possibly be incurred is that the two members appointed by the Governor with the approval of the Speaker and the President would be paid expenses. This is all that would be incurred and I imagine that this would be a very minor amount, since they are only going to meet annually and I doubt if there would be much reason to meet any oftener. And I urge you to go along with the bill.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry that this has to come out on the Floor of the House. There was a good deal of discussion of this matter in the State Government Committee and there was a very good reason for setting up this board as Mr. Starbird has tried to explain to you. I don't want to be in the position of saying that the Governor and Council used very poor judgment after the Legislature went home last time, but somehow or other most of these positions were raised to the top bracket of the salary range immediately after the close of Legislature. History will prove this.

It seemed necessary to set up something so that when Legislature puts a ceiling on it also would have some reason to believe or hope that the people involved with the control of this matter would see that these people did not go immediately to their ceilings and then we would come back and be faced the following session with people at their ceilings and they need more money. Now this is what the story is. If you want to indefinitely postpone it you are just going to be faced again probably with the



same thing when we go home. People are going to be up at the top of their brackets.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

68 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

An Act Establishing a Truth in Lending Law (H. P. 1261) (L. D. 1591)

Tabled — June 18, by Mr. Ross of Bath.

Pending — Passage to be enacted. (Roll Call Ordered)

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Everyone says they are going to be brief. I shall be extremely brief. This is very important legislation; I doubt if there was much opposition to it. However, it appeared on our calendar as the first item of business yesterday afternoon. It was an emergency enactor. It needed 101 votes for passage. There were not 101 persons in the House at that time. For this reason only I tabled it and I now hope it be passed to be enacted.

The SPEAKER: This being an emergency measure under the Constitution it requires for its enactment a two-thirds affirmative vote of the entire elected membership of the House. All of those desiring that this matter be passed to be enacted as an emergency measure will vote yes; those opposed will vote no. The Chair opens the vote.

**ROLL CALL**

YEA — Allen, Baker Barnes, Bedard, Benson, Berman, Bernier, Binnette, Birt, Bourgoin, Brown, Buckley, Burnham, Carey, Carter, Casey, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Cote, Cottrell, Crommett, Croteau, Cummings,

Curtis, Donaghy, Drigotas, Dudley, Durgin, Dyar, Eustis, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Hall, Hanson, Harriman, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jameson, Johnston, Kelley, K. F.; Kelley, R. P.; Keyte, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, Meisner, Millett, Mills, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Starbird, Stillings, Susi, Temple, Thompson, Trask, Tynedale, Vincent, Watson, Waxman, White, Wood, The Speaker.

NAY — Crosby, Kelleher, McTeague.

ABSENT — Boudreau, Bragdon, Brennan, Bunker, Carrier, Chick, Corson, Couture, Cox, Curran, Cushing, D'Alfonso, Dam, Danton, Dennett, Emery, Erickson, Evans, Foster, Gilbert, Good, Hardy, Haskell, Jalbert, Jutras, Kilroy, McNally, Mitchell, Rocheleau, Soulas, Tanguay, Wheeler, Wight, Williams.

Yes, 114; No, 3; Absent, 34.

The SPEAKER: One hundred fourteen having voted in the affirmative and three in the negative, the Bill is passed to be enacted as an emergency measure. It will be signed by the Speaker and sent to the Senate.

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

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

Tabled — June 18, by Mr. Berman of Houlton.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker, in view of the fact that

an amendment is being prepared I would ask some member to table this bill until the next legislative day.

Whereupon, on motion of Mr. Starbird of Kingman Township, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

SENATE REPORT — Committee on Natural Resources on Bill "An Act Creating the Surficial Materials Conservation Act" (S. P. 314) (L. D. 1024) reporting "Ought not to pass", as covered by other legislation. (In Senate, accepted)

Tabled — June 18, by Mr. Tyndale of Kennebunkport.

Pending — Motion of Mr. Lund of Augusta to reconsider acceptance in concurrence.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: As is probably painfully clear to everybody by now in the course of the discussion on these mining bills, there have been two schools of thought as to how we should deal with the separate mining problems that we have in the State of Maine, the problems of rehabilitating lands after the mining was completed. One school of thought has been that we should separate sand and gravel and attempt to deal with that problem by itself, dealing with the mining industry in a separate bill.

This is the course which was followed by the administration in presenting the administration's solution to this difficulty. This was not the course which was followed by another interested group and the bill which has so far passed this body has an amendment attached to it that takes sand and gravel out of that bill. This measure came to the House with a Report from the Natural Resources Committee "ought not to pass" as covered by other legislation. I have no illusions about the number and strength and persuasiveness of the lobby concerned with the construction industry in the State of Maine.

They are many and they are persuasive and when they speak people listen to what they say.

However, if this Legislature proposes to do absolutely nothing in the field of rehabilitating our gravel pits in the State of Maine at least I want the Legislature to know that it is doing nothing and not to vote acceptance of a committee report which suggests that it is being covered by other legislation, because as you now know here in the House this matter is not being covered by other legislation. The mining bill which has passed this body and which hopefully will be enacted completely exempts sand, gravel and borrow.

I am not going to make a great pitch on this bill. It represents the thinking of the people who were working together with the administration and I assume it probably included some industry people. I would like to point out that in the State of Maine there are some 28,000 acres of land that have been affected by sand and gravel operations. I think it is probably fair to assume that the majority of these areas are unrestored.

So the question which is before the House and the pending motion which is for reconsideration, the real question is, does the Legislature wish to do absolutely nothing at this session with regard to sand and gravel? If so you would vote against reconsideration. If on the other hand it is the wish of the Legislature to try to make some approach, any approach in the area of putting some controls on the restoration of sand and gravel pits, then you should vote yes on the motion for reconsideration.

In closing I would simply suggest to you as you drive over the state it would appear fairly obvious that the industry has not shown a willingness or an ability to take care of its own problems and the question is, do we wish to do anything at all in this area or not? Thank you very much.

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

Mr. SNOW: Mr. Speaker and Ladies and Gentlemen of the House: As the good gentleman, Mr. Lund from Augusta has stated, there

were two similar bills before the Natural Resources Committee. The Committee felt that this bill should not come before the body and the fact that it was so similar to the other bill and at the time that this bill was taken up before this group, the group went along with the same thoughts that the Committee had and felt that they would deal with the Mining Bill that we discussed yesterday. If we want to keep this bill around and try to amend it and take out things such as sand and gravel that you have already done with the other bill, then you will vote to keep this bill alive. Otherwise, vote for indefinite postponement of this measure today.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: As a freshman legislator I have sat here and listened and listened and listened. We have worked on bills and when they got done amending them you couldn't even recognize if they were the same bill. There are 151 members in this Legislature and 151 different thoughts on 100,000 different items. I suggest that you folks that want to vote on such an article as we have before us right now—I am very familiar with the problems in the construction industry, getting permits from this group and that group to do anything, whether it is a gravel pit, a borrow pit, a burning permit, to build a filling station, to build a factory, or anything else. And we have adopted laws today—not today but in this session—forming at least a half a dozen and probably more than that commissions. This here forms another one.

Ladies and gentlemen, this is one of the most impossible bills to administer, and if you can't administer a bill, why pass a law?

Now I am not a wholehearted destroyer of the State of Maine and I am not a dreamer about Utopia either. I think that what is good for one is good for another. But this particular bill I don't see how you can work it. If you want to force the small businessmen right out of business—it isn't

just the contractors, it's almost everybody. We all have to work in this field. I doubt if there is any one of you folks that wouldn't be affected in some way and I move that we indefinitely postpone this thing.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: It is with great reluctance I rise in opposition of Representative Lund here this afternoon and I assure him I haven't been lobbied. I am just as stubborn as the biggest lobbyist that could approach me. But I really sweat over the bill here before the House yesterday. When they started amending it, I thought we were going to lose it. I didn't want the sand and gravel out of it and I watched the vote very closely. And I can't see wasting our time on this one when we are going to have the same problem.

So I hope you vote indefinite postponement.

Mr. Lund of Augusta requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call on the reconsideration motion will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lund, that the House reconsider its action whereby it accepted the "Ought not to pass" Report on L. D. 1024. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Bernier, Birt, Boudreau, Brown, Buckley, Chandler, Corson, Cummings, Eustis, Fortier, M.; Fraser, Good, Hardy, Harriman, Heselton, Hichens, Kelley, K. F.;

Kelley, R. P.; Kilroy, Lund, Martin, McTeague, Payson, Porter, Richardson, H. L.; Rideout, Ross, Scott, C. F.; Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, Wheeler, White, Wood.

NAY — Bedard, Berman, Binnette, Bourgoin, Bragdon, Burnham, Carey, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Coffey, Cote, Crommelt, Crosby, Croteau, Curtis, Dam, Donaghy, Drigotas, Dudley, Durgin, Farnham, Fecteau, Finemore, Fortier, A. J.; Gauthier, Giroux, Hall, Hanson, Hawkens, Henley, Hewes, Huber, Hunter, Immonen, Johnston, K e l l e h e r, Keyte, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lincoln, MacPhail, Marquis, Marsteller, M e c K i n n o n, McNally, Meisner, Millett, Mills, Moreshead, Morgan, M o s h e r, Nadeau, Norris, Noyes, Ouellette, Page, Pratt, Quimby, R a n d, Richardson, G. A.; R i c k e r, Sahagian, Scott, G. W.; Shaw, Snow, Soulas, Starbird, Temple, Waxman, Wight.

ABSENT — Brennan, Bunker, Carrier, Cottrell, Couture, Cox, Curran, Cushing, D'Alfonso, Danton, Dennett, Dyar, Emery, Erickson, Evans, Faucher, Foster, Gilbert, Haskell, Jalbert, Jameson, Jutras, Lewis, Mitchell, Rocheleau, Santoro, Sheltra, Tanguay, Williams.

Yes, 42; No, 79; Absent, 29.

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

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

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 1271) (L. D. 1600)

Tabled — June 18, by Mr. Richardson of Cumberland.

Pending — Passage to be engrossed.

On motion of Mr. Richardson of Cumberland, retabled p e n d i n g passage to be engrossed and specially assigned for tomorrow.

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

Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use (H. P. 878) (L. D. 1121) (Committee Amendment "A" H-512 adopted)

Tabled — June 18, by Mr. Harri-man of Hollis.

Pending — Passage to be engrossed.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I shall try to be brief on this document this afternoon because I have received a communication from the Bureau of Taxation for which I had inquired as to what this possible bill would be doing.

Now this bill, as indicated by the Bureau of Taxation, would pose certain problems that he feels might be very detrimental to the people of the State of Maine. And I will read briefly what the Bureau has for this document.

I think they are well summarized in the attached material which I have taken from pages 49 and 50 of the March 1969 issue of Assessors Newsletter, published by the International Association of Assessing Officers. These pages constitute a portion of a summary of the recommendations of the National Commission on Urban Problems, which has been reprinted from the "Urban Affairs Reporter," published by Commerce Clearing House of Chicago.

If you will read the comments under recommendation 6(c), and particularly those beginning at the top of page 50, I think you will obtain a good idea of the fallacies and pitfalls involved in the proposal.

The proponents of the proposal appear to base their case upon the argument that it is desirable from the point of view of society at large to encourage the current use of certain types of real estate. If this is true, the sensible approach would appear to be to limit the potential use of such property by

law, as by zoning, rather than (in the words of the attached article) by use of "the taxing power to bias and delay the effect of normal market forces in determining the economically best use of land." In short, if control of the use of certain real estate is justifiable and beneficial from the point of view of the general public, the proper way to insure such use is by enforceable land use regulation, and not through manipulation of taxes. The desired tax result would automatically follow the imposition of public controls over use.

And in a part of the article that is published as indicated in the recommendation by the Bureau of Taxation, "We also strongly urge that the states retain and apply, without impairment, the long established and generally accepted legal principle that property subject to general property taxation should be assessed as uniformly as possible in relation to its market value, irrespective of the income status of particular property owners and of the past or present income yield of particular pieces or types of property."

And on page 50, as indicated by the Bureau of Taxation it poses even more serious problems to the municipalities in the State. Without going into the long dissertation of a page and a half of the document I bring this to your attention, that is the feeling of the Bureau of Taxation and my own personal feeling that this is a very bad piece of legislation in its present form.

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

Mr. HUNTER: Mr. Speaker and Ladies and Gentlemen of the House: I haven't — I wasn't really prepared about this. I didn't get any letter from Chicago or anything like that but you know the farmers have a stake in this.

What's beer goin' on the last few years, a fella rides by and he gets out of his sedan and he comes back and he wants to buy a piece of land off a ya' and he offers ya' — he probably hasn't got money enough for 15 cents for a package of cigarettes, but he offers ya' some big kind of a price and you refuse and he runs down to the

assessor and he says, "So and so won't sell his land. I just offered him a big amount of money." Of course they don't fool me that way because if they offer me anything, friends, I tell them the truth. I say, "If you pay me that and it's a lot more than what it is worth" — and maybe I would start drinking rum and chasing women or something like that. So I don't ever leave myself open.

So I wish very much that you would vote for engrossing this bill and move it along. We certainly need it out in the country because the last few years people have been coming along offering big amounts of money for land for a super-market and maybe a beer parlor or something like that that you don't want no truck with at all.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I hesitate to be aligned with the rum drinkers and women chasers and I certainly and seriously do sympathize very much with what is a real and significant problem on the part of our farmers. However, I wonder if there isn't some type of change that can be made to give justified relief to real property taxes for our farming population without ending up in a bonanza for people that are very far from farmers and very far from small farmers.

If this legislation provided for special valuations on the family farm, say of a value of under \$50,000 or so which I think would be quite generous, I could go along with it because I know there is a problem and I know that people are forced off their land in part by taxes. On the other hand, I know in other states there have been attempts along these lines and it has ended up as being a bonanza for speculators who in effect are subsidized by the public through a reduction in their taxes and to keeping land off the market, and so the price increases year after year and they are the beneficiaries of a public subsidy. If the price gets up high, they have been able to hold on to it because they pay very low taxes using the

land at the lowest possible use and then they make a killing — a financial killing — at the expense of the public in future years.

I understand this has happened in the State of Florida under legislation which is similar to this proposed amendment. Many bills and concepts which start out as very good ideas — for example the Federal Farm Subsidy Program, which I think was intended to help the small and medium sized farmer, end up as a bonanza for the large speculator. There is cost involved. I don't know how much, but there obviously is very significant cost involved in this. Again sympathizing with the farmer but not with the speculator, I would say that the taxes not paid by the speculator will have to be paid by you and me and the ordinary people in this State.

For this reason I oppose this proposed amendment in its present form.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: This bill proposes an amendment to the Constitution so that the next legislature could take whatever action is necessary to set up control of taxes on any type of farm or wood lands in the State of Maine. You have all seen in the past few years some very extraordinary things happen on tax values, on some farm lands, on some woodlots. This does not at the present time change anything at all except that if it is passed it would allow this Legislature or rather the next Legislature to take any action that they felt was necessary.

I hope that you will go ahead and engross this bill.

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

Mrs. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: I am not prepared to speak at length on this but I will point out to the Legislature that in Connecticut, Massachusetts and New Hampshire, in New Hampshire particularly, last year such a resolve to change the Constitution

was provided and then they had a law that did what Mr. Kelley said. Now in Connecticut this law is called the "Green Acres Law", and it is a conservation effort there to save land that is valuable from the point of view of not having to be sold but if you do sell and develop it you have a ten year back tax that you have to pay, but otherwise many people were being forced to sell their land who did not want to because of the high tax valuation on it.

We now see in many instances here in our own State where there are areas that we want to preserve but we have to go and buy them back to do this. This way you would keep land not sold but it would be conserved as a green acres area.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I believe that the gentleman from Madawaska, Mr. Levesque was talking about a different bill, the specific bill that outlines specific things that they wanted to do. But we couldn't consider this even, so this bill was withdrawn. The L. D. number on it was 1078.

Now this particular item we are considering this afternoon is just a constitutional amendment which would allow the next Legislature to take any action that they might deem proper at that time. We would not be doing any of these things today, but if they wanted to then, they could; right now they can't because of the constitutional limitations.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In reference to Mr. Ross's remark, the reference is made here on L. D. 1121, House Paper 877, Ernest H. Johnson, State Tax Assessor, and the problem that I have encountered, I not being a professional in the tax assessing field, could not decipher just exactly what this was going to do in the future. So Mr. Johnson, being in the tax assessing business for a good many years of his life,

has indicated in the first paragraph that I did not read in the beginning.

"L. D. 1121 simply proposes a constitutional amendment which would permit the Legislature at some later date to provide for the taxation of certain real estate on the basis of current use rather than on the basis of market value. The problem which would be posed by such a departure from the present basis of property taxation is very very serious."

Now this comes from a person that is knowledgeable in the field of taxation and I assume that he knew what he was talking about. So I believe that this piece of legislation which proposes a constitutional amendment is not the thing that we need at this session of the Legislature.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: With some trepidation I quote from the same source as Mr. Levesque. This is from Ernest H. Johnson, State Tax Assessor, dated October 23, 1968.

"To owners of property taxable in Edmunds, Marion and Trescott Townships, Washington County.

During the past summer a reappraisal has been made of all land and buildings in these townships in order to recognize present values and thus equalize taxes. The attached list shows the 1966 State Valuation, the ownerships and acreages, and the proposed 1968 State Valuation" — and this by the way is what is now in effect and what school subsidies are based on and many of our road projects and this sort of thing, "the current ownerships and acreages, if different. Also shown is the ownership of buildings on leased land" — and I will skip some down here, and then he goes on to say that this "reflects a conservative estimate of ½ of the current worth of the properties."

Now I would like to point out to you a couple of things that this gentleman, and who some people have called a bureaucrat has done. Now this is not a farmer, this happens to be a fisherman that is in-

involved here, that has a fishing privilege off of a small woodlot, which by the way you have to walk about three miles to get to, and this is 120 acres, and in 1966 this property was valued at \$450 and our good gentleman from the Taxation Department now says in 1968 that that same piece of property is worth \$21,740, and this is one half the valuation. Now I don't know what corner of Broadway he found that piece of property on. It is a little difficult to understand.

Now I will turn to give you an example of a farmer. Here is a farmer who milks around 100 cows — I wish I could tell this the way Mr. Hunter might do this but I can't. Here is a farmer that milks 100 cows and has a farm woodlot and now he has 777 acres. In 1966 this 700 acres plus was valued at \$4430. In 1968 this was valued at \$50,250. And here again this is one half the value that the State Tax Assessor puts on this property.

I wish that Washington County was half as valuable as Mr. Johnson thinks it is. I think we better go along with this bill and do some more study for the next legislature.

Mr. Susi of Pittsfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-550) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: So as to — at least to attempt to eliminate any possible confusion about what this is all about, this does, as previous speakers have said, propose an amendment to the Constitution which would allow for valuing lands for taxation at current use. Now this would be a change to this extent, that under the Constitution now, tax assessors assessing for tax purposes are specifically charged with assessing on the basis of highest and best use.

Now this is getting to be — I think there are two elements here in Maine right now that are contributing to this problem. One, there are people coming and offering to purchase land which is being used

for forest land or farm land and which has a certain value at that use to use it for other purposes, usually recreational purposes, and for that purpose they are willing to give considerably more for this land than in the past the land had been thought to be worth. That is one element of the problem.

The other element of the problem is this inordinately high amount of revenue that we are attempting to derive from the property tax. Year after year we are boosting our property taxes and attempting to get more and more money from it so that the fellow who is a farmer or who has land which he has thought of as woodland and it is assessed at its value for recreational purposes, when you apply the current property tax rate, he has got a real problem. So the pressure builds up and in many instances it is certainly warranted and legislation such as this is offered to us here.

I have first hand acquaintance with a situation which I think is quite typical of what we are talking about. Interstate 95 goes through the Town of Pittsfield, a fellow has a little farm, it goes through a piece of pasture, and when they build the highway they fence along the highway, so he continues to use it for pasture. There is a juncture of about ten acres and he keeps a few sheep in there that are worth maybe a couple hundred dollars and the assessors come and he says this is pasture. The assessors know better. They assess it for around five thousand bucks and so they get forty or fifty dollars of taxes out of it and he squeals that they are putting — Well, now I know from private conversation with the man that he has been offered between forty and fifty thousand dollars for it now and he has told me privately that he will take \$75,000 for it.

Now if this were adopted, this amendment to the Constitution, and if our Legislature, two years from now when the problem is going to be just as great or greater, should enact legislation which would allow the assessors to assess for current use, he would in fact be using this land for a

pasture and for that purpose it is worth perhaps \$50 an acre, ten acres \$500, he gets by with a \$20 tax while year after year the value of this piece of land is going up, it may in two years be worth the 75 or even 100 thousand dollars.

Now this is a good solution for him. You look at the man — this is the problem, you can't tell from looking at this man who looks like any farmer you ever saw that he is in fact a speculator so far as this particular piece of land is concerned. It is only in intimate conversation with him that you learn that his real motives are speculation. He claims a love for these ten sheep. He actually loves the buck just the same as the rest of us do. And this raises a serious problem and a reservation in my mind about opening the door. It is true, this doesn't put it into law, but it makes it possible later for a law to be enacted which would make this change in the assessing process possible.

Now I just offered a House Amendment and the provision in the amendment is briefly the local option. If you are thinking favorably of approving the adoption of this resolve, which will have an effect on the voters if the legislature does approve a resolve going out to the people, if we are worth our salt this should influence their thinking. So I don't think we can say that, well, the people are going to solve these problems for us. I think we have a responsibility to make a recommendation in one direction or another on this.

And if you adopt the amendment and then go ahead and approve this legislation, it would be up to the local community to either adopt this method or to retain the highest and best use or method of assessing. This is very important to the communities because there are communities that are going to lose substantial amounts of revenue if current use rather than highest or best use is used for assessing. It will reduce their revenues considerably on certain properties. So I think it warrants your consideration. Thank you.

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



Mr. RICHARDSON: Mr. Speaker and Members of the House: I have heard the farmers mentioned, and my good friend Mr. Donaghy brought out the fisherman a little bit, but I do hope that people realize that in order for a fisherman to fish he has got to get to the shore. He has to have an opportunity to get his traps down and so forth.

I think back to some years ago when — and I can't imitate my good friend Mr. Hunter, I wish I could as far as the fisherman is concerned, but some years ago a fisherman came into a lobster dealer's office in the Town of Stonington. He was paid the going price for his lobsters, less his bait and his gasoline. He looked down at his hard at what he had received and he looked back at the dealer and he said, "Gosh, if you only sold hardtack and a little salt pork, you wouldn't have to pay us poor buggers anything." And when I go up to the First National and notice the price on the lobster tank up there of \$1.49 and then look at what the fishermen are getting back home, I know who is making the money and how much they are getting.

I think perhaps Mr. Susi has brought out a point too, because I have a town in my district that has a very wealthy woman who has bought a considerable amount of land and it cost the town \$3,500 to collect the taxes from her because she had put that land, to spite the town and to spite the town only, into a game preserve. Any frankly and truthfully, I have got much more sympathy for taxing a game preserve of this nature than I have taxing a man who is trying to make a living.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Fortier.

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry that I do not recall the L. D. of a particular bill which it seems to me that we have already approved this session, that would limit the taxation of any parcel of property to the maximum legal or zoned use of that property. Consequently, it seems to me that any municipality could

protect their farmers or fishermen or anyone else that they might want to protect. I am not a fisherman and do not know too much about the fishing industry, but it sometimes strikes me as a little bit odd that a fisherman would need a parcel of land from which to launch his boats that has 120 acres of woodland.

I think that this opens an avenue that could be a lot of trouble. For example, I can quote a case in my own town where one particular individual whose father used to be a farmer. He has never done any farming in his life, he owns about 300 acres which borders on a state highway. To my last recollection, he had three cows which he hired somebody to take care of and he has always argued with the assessors that these 300 acres are all pasture land.

I have also been told of another situation where a man has close to a thousand acres of timberland on which there happens to be a little lake. He and two members of his family have built expensive cottages and summer homes on that lake. He refuses to sell any of it and he insists that this is all timberland and cannot be assessed as recreational property. It seems here that we are getting into something that could be very complicated, and there are plenty of laws to protect the farmer, the fisherman or anyone in that situation.

I would also like to recall to the House that at the hearing in the Taxation Committee on this bill, we had practically the same old story that we have heard here quite a number of times, about this pitiful old widow who is only worth \$100,000. In this case I believe that the case that was brought up, the poor old widow lived in a house that was only worth somewhere between \$50,000 and \$75,000. Now even in that case, if the town saw fit, they could by zoning protect the poor old widow, but I do not believe that it would be good legislation to gamble the valuations of all the other municipalities in the state.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I don't care to debate the gentleman, Mr. Fortier, but I would point out that the fishing industry has other problems besides getting to the water. I think that my good friend Mr. Richardson was referring to lobstermen. The fishing down our way happens to be weir fishing for sardines or herring and it does require protection of a certain amount of shore front in order to fish. And actually I don't know how the towns can protect anyone in this particular situation because these are unorganized townships, and Mr. Johnson is the law, order, judge, jury, what have you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I have no particular qualms with the amendment because I don't think it is going to correct the bill to any great extent that is presently before us. But in relation to the remarks made by the gentleman from Lubec, Mr. Donaghy, that Mr. Johnson is the last final judge and jury of anything that happens in the Bureau of Taxation, is a little bit erroneous, in my humble estimation, because I think probably any person that has had to do with the Bureau of Taxation and felt that he was unjustly dealt with, I think there are enough laws in the books now that provide enough appeals that people that have information that the Bureau of Taxation might have been wrong, including Mr. Johnson, that the door has always been open and that they can always appeal to the Bureau of Taxation under our present laws.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: Many of these problems, like very valuable sheep pastures and such places that have been mentioned, would all be taken care of by wise legislation that we hope future legislatures would write.

I would like to find out if there are many other states in the United States that are doing this

sort of thing because they have recognized the fact that sometimes unduly high taxes can force land into use that possibly is not the best future use for that land. Maine is a vacation land. Maine is a paper country. Our forest lands are of extreme importance.

I had a three hour speech that I will not deliver, but let me tell you one little incidence, it is the type of thing that I hope proper legislation could take care of. Down in the area just south of us, in the Towns of Dresden and Alna, there are a lot of grown up farms, lumber lots and one thing or another. These towns have had school problems. They have had to raise more money. The woodland taxes have gone up just sky high. The owners have been forced to sell off their stumpage and abandon the land or sell it for anything they could get because they no longer could continue to own it. The wood operators have gone in and they have just cleaned everything off the land, they have left a shambles. This is not good in the long-range picture. You are not producing the most wood per acre that could be produced. You are not protecting your streams, your land surface and all the rest of it. And believe me, if we are going to protect the goose that lays the golden egg, which is our forests, our farms and the majority of the lands in the State of Maine, wise legislation is needed in the near future. This legislation, under our existing Constitution, cannot be written.

The State of Washington used the exact wording of this proposal in the change to their Constitution. They followed it up with laws, with many many provisions in it to protect the people from the speculators. We must do something to protect the goose that lays the golden egg, and I hope that you will favor this bill.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to point out to the House that during the hearings last winter a Mr. Ledew from the Taxa-

tion Department, one of the two men, I might say, who reassessed the 495 towns in the State of Maine, two men doing the work, was asked how many towns appealed their 1968 valuation. We were informed that six appealed, one was increased, one was decreased, four no action was taken at all. We asked him if he felt that the reason that more did not appeal was the fact they felt it was useless, and he concurred in that opinion.

The SPEAKER: Is the House ready for the question? Is it the pleasure of the House to adopt House Amendment "A"?

The motion prevailed.

The SPEAKER: Is it now the pleasure of the House that this Bill be passed to be engrossed as amended?

(Cries of "No")

The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

82 voted in the affirmative and 19 voted in the negative.

Mr. Levesque of Madawaska then requested that the vote be taken by roll call.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests that the vote be taken by the yeas and nays. For the Chair to order a roll call vote it must have the expressed desire of one fifth of the members present and voting. All 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 and more than one fifth of the members present having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the engrossment of House Paper 878, L. D. 1121 as amended, Resolve Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use. If you are in favor of this matter being engrossed you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

### ROLL CALL

YEA — Allen, Baker, Barnes, Berman, Birt, Bragdon, Brown, Buckley, Casey, Chick, Clark, C.H.; Clark, H.G.; Corson, Cote, Cottrell, Crosby, Cummings, Cushing, Donaghy, Dudley, Durgin, Erickson, Eustis, Finemore, Good, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Hewes, Hichens, Huber, Hunter, Jaibert, Johnston, Kelley, K.F.; Kelley, R.P.; Lee, Lewin, Lincoln, MacPhail, Marstaller, McKinnon, McNally, Meisner, Millett, Moreshead, Mosher, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G.A.; Ross, Sahagian, Scott, G.W.; Shaw, Snow, Thompson, Trask, Tyndale, Waxman, White, Wight, Wood,

NAY — Bedard, Benson, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Chandler, Coffey, Crommett, Croteau, Dam, Fecteau, Fortier, A.J.; Fortier, M.; Fraser, Gauthier, Giroux, Heselton, Immonen, Kelleher, Keyte, Kilroy, Lawry, Lebel, Leibowitz, Levesque, Lund, Martin, McTeague, Mills, Morgan, Nadeau, Richardson, H.L.; Soulas, Starbird, Stillings, Susi, Vincent, Watson, Wheeler, Williams,

ABSENT — Bunker, Carrier, Couture, Cox, Curran, Curtis, D'Alfonso, Danton, Dennett, Drigotas, Dyar, Emery, Evans, Farnham, Faucher, Foster, Gilbert, Haskell, Jameson, Jutras, Laberge, LePage, Lewis, Marquis, Mitchell, Ricker, Rideout, Rocheleau, Santoro, Scott, C. F.; Sheltra, Tanguay, Temple.

Yes, 72; No, 45; Absent, 33.

The SPEAKER: Seventy-two having voted in the affirmative and forty-five in the negative, the Bill is passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and will be sent to the Senate.

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

Mr. BERMAN: Mr. Speaker, I would inquire if the House is in possession of L. D. 1003?

The SPEAKER: The Chair would advise the gentleman in the

affirmative, Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices," House Paper 770, L. D. 1003, which was passed to be engrossed yesterday.

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

Mr. BERMAN: Mr. Speaker, I would like to move reconsideration whereby we passed the bill to be engrossed and I would like to speak to that motion.

The SPEAKER: The gentleman from Houlton, Mr. Berman moves that the House reconsider its action whereby it was passed to be engrossed. The gentleman may proceed.

Mr. BERMAN: Mr. Speaker and Members of the House: I requested this matter to be held so that the House would have a chance to save the State some money. With my Scotch first name I suppose many of the reasonable members of the House know that I would like to save a few thousand dollars here and there and this is what I propose to do.

Our Committee has already saved the State a few thousand dollars by not employing a law clerk this session and here I am today trying to save a few more. Now one of the first objections to the unanimous Committee Amendment, which unfortunately went down the drain, was that someone said that the commissioner would have to be an attorney. Well I don't like to be pushing for the attorneys but when a lady member of the House makes this kind of suggestion I sort of have to take her up on it. So I took care of this objection by offering a House Amendment; and frankly I said not only would the commissioner have to be learned in the law to take care of the objection of the gentleman from York but he had to be a special kind of an attorney, namely, one that was of sobriety of manner, and I think you know what that means.

I think it was yesterday my good friend who had the State build a road up Mt. Battie called the House's attention to the fact that the amendment had an appropriation on it. That is true. I guess I failed to convince the House that

that charming gentleman from Hope had completely overlooked that my appropriation was not a nickel, not even a penny more than Mrs. Payson's, the gentlewoman from Falmouth. However, yesterday the House went along with these opponents, and frankly they are formidable opponents, for they were two of the nine people in this House who had the courage to be in the minority in voting on the controversial anti-discrimination bill. Now heaven knows that some committees in the House have had to debate on measures time and time again when some of the members might have preferred to be cultivating their gardens, but I think that is the way the ball bounces. So when I have to face up to the formidable task of talking to the influential members of this House I really apologize for having to be persistent in trying to correct a serious error and saving the State some money.

I don't know how many people are going to get in the affray today but I do know this afternoon I would like some assistance from a committee whose unanimous reports have twice been up-ended and this time by a very charming lady member. Until this hectic session, the House had great respect for unanimous committee reports but somehow or other this House reflects what is going on throughout our great land. Respect is going out the window and turmoil is rushing in, and I am not certain that this turbulence represents a change for the better and frankly I am not certain I can do much about it but I can try and I can pull my oar and I hope other members of the Committee will do likewise.

The third member of yesterday's troika opposition took the somewhat alluring position that he was against any new commission, the same way that some people have usually been against doing away with DDT, the same thing which time will prove to have been a potent enemy of the citizens of Maine.

So if I had any previous illusions about the quantity and formidable quality of my unexpected opposition I really don't have any today. But I would like to tell the House

that my appropriation on House Amendment "D" which I would offer if you would reconsider is substantially less than Mrs. Payson's appropriation in the bill, which the gentle lady from Falmouth has so persistently and charmingly carried along in her bill with the same tenacity as the so - called wrong - way bicycle bill would be, which the athletic gentleman from Waterville, Mr. Carey so aptly put into oblivion. I just wish I had his ability.

Now I have hopes that in trying to save the State money by making my appropriation less than Mrs. Payson's that I can offer you a quality amendment at a lesser price than Mrs. Payson asks for in her bill. I can't gauge the mood of the House at twenty minutes to five, when my seatmate and neighbor is anxious to leave and I am sure other people in the House are, but I am going to pull my oar. I am going to have to leave it up to your good judgment as to whether you want to save some money by adopting my House Amendment "D" which I can only offer if you reconsider or whether you want to spend some more of the State's money by going along with my delightful opponent, the gentle lady from Falmouth, Mrs. Payson, who I think has had a little more opportunity to lobby this matter than I unfortunately have.

So like Dr. Gulliver I have been a bit tied down by some of the establishment on some of these matters and while sometimes I have been a member of the establishment I haven't always felt comfortable there because so many of my good friends were left out. So here I am just a country lawyer trying to save the State some money and meeting such resistance as Nelson met at Trafalgar. Now I hope I don't lose an arm or an eye the way he did and I certainly hope I don't lose my life, but we all have to go sometime and it might as well be here.

Now the House went along yesterday with the mining commission, or the day before yesterday, and lo and behold I looked at the roll call and I saw that the gentlewoman from Falmouth, the gentleman from Hope,

both voted for a new commission and I really can't see a logic why they should be against mine, but they seem to be. Now my amendment which I hope to offer if you will reconsider will save the State of Maine over \$5,000. As a matter of fact it will save the State of Maine \$5,123, I imagine, plus the interest and the interest rates are going up all the time. And where I come from with bad potato prices and high interest rates I can say, as my friend and neighbor from Enfield says, that that is a lot of jack up my way. Now that may not be too much money around Falmouth but up our way it will feed quite a few hungry mouths and it will pay the butcher and the baker and the electric light bill.

Now members of the House, while I may have been more lengthy than I should have wished on this matter, and I probably wouldn't have pulled it off the table until later in the day except that my seatmate and neighbor said he had to get out of here. I hope I haven't bored you and I would request the yeas and nays on my motion to reconsider. Thank you.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: I think we would save a lot of time and money if we voted against this reconsideration. I understand it costs something like \$10,000 a day to keep this Legislature in session and if we open this bill up again we are going to lose half of that \$5,000 right away.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday we passed this bill to be engrossed by a vote of 71 to 47. This new amendment which the gentleman from Houlton, Mr. Berman has presented today is nothing but a back-door approach to getting through the commission which he has been arguing for with amendment after amendment. I hope that when the vote is taken that you will vote against his motion for reconsideration so

that we can get on to other things. Thank you.

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

Mr. MORESHEAD: Mr. Speaker, I hope the House will vote to reconsider so we can at least have a chance to go over Mr. Berman's amendment and decide whether or not it is something that we would accept here this afternoon. Thank you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I didn't think I would have to get up in rebuttal but I do because frankly I am not a back-door fellow. I mean when I come calling I usually call at the front door and let people know ahead of time, because I think that is the appropriate way to do things. That is the way that I was brought up.

I don't think the people in Egypt have worked much harder than my dear friend, the gentleman from Falmouth, has had me work on this bill, which may not be going too far anyway because there doesn't seem to be too much money to add any more assistant attorneys general. As a matter of fact we went along with Mr. Porter the other day and indefinitely postponed just one young assistant attorney general in the field of anti-pollution control so I don't know just how far this is going to go anyway, but it is an important matter and it should be brought before the House and I certainly am in sympathy with Mr. Marsteller on the cost of saving money, but frankly when these matters are matters that can save money I am sure Mr. Marsteller will agree with me when he feels strongly about something he is going to stand up and fight for it, and I certainly have great admiration for anyone who will be tenacious and stand up for their convictions.

But when a unanimous committee report of this Legislature, a committee which heard the evidence, sifted the wheat from the chaff, and came up with a unanimous committee report and then

saw it go down the drain — and I stress a unanimous committee report, I certainly feel that when the good Speaker appointed certain of us as committee chairmen we would be remiss in our duties if we didn't stand up and defend the committee system and not voluntarily give up what we have worked long and hard on. But if we have to give it up, we have to give it up. But I say on this particular matter that if the Committee is going to be forced to the guillotine I would say on the weight of the tumbrels simply this, that it will be inexcusable and the people of the State of Maine deserve much better than they will be getting.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Berman that the House reconsider its action of yesterday whereby this Bill was passed to be engrossed. He further moves that when the vote is taken it be taken by the yeas and nays.

For the Chair to order a roll call vote it must have the expressed desire of one-fifth of the members present and voting. All members 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, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Berman that the House reconsider its action of yesterday whereby L. D. 1003 was passed to be engrossed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEA — Barnes, Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Casey, Coffey, Cottrell, Crommett, Croteau, Curtis, Dudley, Eustis, Faucher, Fortier, M.; Fraser, Gauthier, Giroux, Hanson, Henley, Heselton, Hewes, Hunter, Immonen, Jalbert, Kelleher, Kilroy, Lebel, Leibowitz, Levesque, Lund, Martin, McTeague, Meisner,

Moreshead, Morgan, Mosher, Norris, Ouellette, Page, Soulas, Starbird, Vincent, Watson, Wheeler, Williams.

**NAY** — Allen, Baker, Benson, Birt, Bragdon, Brown, Buckley, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corsor, Cote, Crosby, Cummings, Cushing, Dam, Donaghy, Durgin, Erickson, Fine-more, Fortier, A. J.; Good, Hall, Hardy, Harriman, H a w k e n s, Huber, Johnston, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, L i n c o l n, MacPhail, Marstaller, McKinnon, McNally, N a d e a u, Noyes, Payson, Porter, P r a t t, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ross, Scott, G. W.; Shaw, Snow, Stillings, Thompson, Trask, Tyndale, White, Wight.

**ABSENT** — Bunker, Carrier, Couture, Cox, Curran, D'Alfonso, Danton, Dennett, Drigotas, Dyar, Emery, Evans, Farnham, Fecteau, Foster, Gilbert, Haskell, Hichens, Jameson, Jutras, Keyte, Laberge, LePage, Lewis, Marquis, Millett, Mills, Mitchell, Ricker, Rideout, Rocheleau, Sahagian, S a n t o r o, Scott, C. F.; Sheltra, Susi, Tanguay, Temple, Waxman, Wood.

Yes, 51; No, 59; Absent, 40.

The **SPEAKER**: Fifty - one having voted in the affirmative and fifty - nine in the negative, the motion to reconsider does not prevail.

(Off Record Remarks)

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

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years (H. P. 614) (L. D. 802)

Tabled — June 18, by Mr. Jalbert of Lewiston.

Pending — Final Passage.

On motion of Mr. Corson of Madison, retabled pending final passage and specially assigned for tomorrow.

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

An Act relating to the Water and Air Environmental Improvement Commission (S. P. 322) (L. D. 1084) (House Amendment "A" H-

561 to House Amendment "A" H-491)

Tabled — June 18, by Mr. Lund of Augusta.

Pending — Adoption of House Amendment "A" to House Amendment "A".

Thereupon House Amendment "A" to House Amendment "A" was adopted. House Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non - concurrence and sent up for concurrence.

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

**SENATE REPORT** — Committee on Judiciary on Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 365) (L. D. 1247) reporting same in a new draft (S. P. 503) (L. D. 1599) under same title and that it "Ought to pass" (In Senate, accepted and Bill passed to be engrossed)

Tabled — June 18, by Mr. Cox of Bangor.

Pending — Acceptance in concurrence.

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

Mr. **BERMAN**: Mr. Speaker and Members of the House: There are some problems with this bill. They are trying to be worked out, so I hope that someone in leadership will give this the usual courtesy.

Thereupon, on motion of Mr. Richardson of Cumberland, retabled pending acceptance of the "Ought to pass" Report in concurrence and specially assigned for tomorrow.

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

Report of the Committee on Appropriations and Financial Affairs on Resolve to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine (S. P. 364) (L. D. 1246) reporting Leave to Withdraw which was recalled from the Legis-

lative Files pursuant to Joint Order (S. P. 494)

Pending — Further consideration.

On motion of Mr. Martin of Eagle Lake, retabled pending further consideration and specially assigned for tomorrow.

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

Bill "An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and Other State Agencies with Respect to Air Pollution" (S. P. 502) (L. D. 1597)

Pending — Passage to be engrossed.

On motion of Mr. Snow of Caribou, retabled pending passage to be engrossed and specially assigned for tomorrow.

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

Bill "An Act Creating a Human Rights Act for Maine" (H. P. 1263) (L. D. 1593)

Pending — Adoption of House Amendment "A".

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I had hoped this morning to follow what I suppose is a novel procedure with respect to House Amendments. I hoped that I could explain some of the deficiencies in this present proposed amendment and that the matter would then be tabled and the amendment could be worked out. Unfortunately I ran into some opposition from within my own party and the matter was tabled until later today. And what I would like to do is very briefly, I know it is late, discuss with you some of the items in this amendment so that you can be thinking about them and then tomorrow I hope that a substitute amendment will be offered to clear up this bill.

First of all I want to share with you the famous statement made by the cynical Oscar Wilde when he said that nothing produces such

an effect as a good platitude. And when we talk about the Human Rights Commission it is very easy to resort to platitudes and describe various problems in very humanitarian and glowing terms. But I think we do have an opportunity to bring some good hard-headed, logical thought to this problem in Maine. I think we have an opportunity in Maine to learn by the experience of other states by providing a panel for the conciliation and adjustment, and hopefully the solution of the question of illegal — and it is illegal, make no mistake about it, under our law and the federal law—illegal discrimination on account of race or creed within this state.

Now basically what the Commission has proposed to do and the bill, as you know, has the support of the Governor, and I am pleased to be with him on this one, we propose that we create a so-called Human Rights Commission with conciliatory authority and that it be given authority to make investigations with respect to alleged discriminatory practices. The State Government Committee came out with a three way split on the report, and I hope that in the amendment we will cure at least some of the objections.

First of all, in the House amendment on page 6, it suggests that in a proceeding in a court of law, in a superior court, that the traditional rules of evidence be abandoned and that we adopt what I consider a very fuzzy rule which is stated as being "as follows all evidence which possesses probative value commonly accepted by reasonable men in the conduct of their affairs shall be admissible." I don't know what that means. I happen to be a devotee of the law of evidence. I think it is very precise. It has been ironed out over hundreds and hundreds of years, including the Star Chamber and all the rest of that, and I see no reason to depart from our traditional rules of evidence simply because we are dealing with perhaps an emotionally charged situation. As a matter of fact, I think the emotionalism involved in this sort of a proceeding is one very good reason to keep such proceedings



within the law of evidence as it exists in this state.

The second thing I want to suggest to you is that on page seven of the amendment there is some question about a plaintiff not having to file a bond in certain classes of actions. I see no reason to depart from this requirement and I don't see any reason to change any present rules of law with regard to the granting of injunctions; that is a writ of injunction which will prohibit a person once he has been found guilty of discriminatory practices, to enjoin him from recommitting or committing the same practice in respect to the same plaintiff again.

Finally, I would suggest to you that on page eight of this amendment there appears under Section 7 the following statement — "An order requiring the posting of notices or publication of advertisements concerning the violation of this Act," and this is a normal concept of generally to have a man who is convicted of breach of our laws relating to discrimination, you are not only going to put an injunction on him and possibly fine him and allow perhaps civil damages but you are also going to put a big notice in the paper saying that he is no good. I think that goes a little far.

So for this reason I hope that this bill will be further amended to clear up this problem and then I think it will bear hard-headed analysis by every one of us. I think we can see that this isn't to what some people describe as do-good legislation, that it is just politically motivated, and all that sort of nonsense. And I think we do have an opportunity in this instance to profit by the mistakes made in other states. Those who say there is not discrimination in Maine I think are just ignoring the fact. We know there is. All of us know it. And I think that this is an excellent way to try to take some of the sting out of some of the day to day discriminatory and illegal practices which occur.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I agree with at least most of the analysis made by Mr. Richardson on the particular amendments. I think there are some areas that do need further cleaning up. I have spoken to Mr. Rideout and Mr. Dennett who have had great interest in this matter since the beginning, having been on the State Government Committee. I hope that someone would table this for one day so that we can work out a further amendment to this amendment.

Whereupon, on motion of Mr. Rideout of Manchester, tabled pending adoption of House Amendment "A" and specially assigned for tomorrow.

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

An Act to Incorporate the Town of Flagstaff (H. P. 1241) (L. D. 1576)

Pending — Passage to be enacted.

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

The Chair laid before the House the following matter, which was assigned for third reading later today:

Bill "An Act Controlling the Sale and Possession of Cannabis (Marijuana) and Peyote" (H. P. 561) (L. D. 742)

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

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine-thirty o'clock tomorrow morning.