

# 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

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, June 24, 1969

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

Prayer by the Rev. Mr. David Glusker of Hallowell.

The journal of yesterday was read and approved.

**Papers From The Senate  
Ought to Pass  
Amended in Senate**

Report of the Committee on Education on Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 162) (L. D. 536) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-137) was read and adopted in concurrence. Senate Amendment "A" (S-207) was read and adopted in concurrence. Senate Amendment "C" (S-270) was read and adopted in concurrence. Senate Amendment "D" (S-312) was read and adopted in concurrence.

Later today was assigned for third reading of the Bill.

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

An Act relating to Jurisdiction and Judicial Divisions of the District Court (S. P. 468) (L. D. 1526) which was passed to be enacted in the House on June 17 and passed to be engrossed on June 13.

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

In the House: On motion of Mr. Hewes of Cape Elizabeth, tabled pending further consideration and assigned for later in today's session.

**Non-Concurrent Matter**

Bill "An Act to Provide Certain State Level Land Use Controls" (S. P. 501) (L. D. 1596) which was

indefinitely postponed in non-concurrence in the House on June 23.

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

Messrs. HANSON of Kennebec  
BARNES of Aroostook  
GORDON of Cumberland

In the House:

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

Mr. BRAGDON: Mr. Speaker and Members of the House: We debated this bill at some length the other day and the House voted rather substantially that it be indefinitely postponed. Also we are getting somewhat near the end of the session and Committees of Conference sometimes work slowly.

I would move that we adhere to our former action.

Thereupon, the House voted to adhere to its former action.

**Non-Concurrent Matter**

Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 503) (L. D. 1599) which was indefinitely postponed in non-concurrence in the House on June 23.

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

Messrs. MILLS of Franklin  
KELLAM of Cumberland  
CIANCHETTE of Somerset

In the House:

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This bill was debated rather fully last week and although some of the discussion apparently had a delayed effect on one of the proponents of the bill last week, who yesterday moved that the bill be indefinitely postponed; and I therefore move that the House adhere.

The SPEAKER: The gentleman from Augusta, Mr. Lund moves that the House adhere to its former action.

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

Mr. SOULAS: Mr. Speaker, I move that we insist and join with the Senate for a Committee of Conference.

The SPEAKER: The gentleman from Bangor, Mr. Soulas moves that the House insist and join a Committee of Conference.

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

Mr. LUND: Mr. Speaker, I request a division and ask that the House stick to its action of yesterday.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: If we preach law and order and then turn around and do nothing, then I don't think that we are being consistent. So with this in mind I hope you will vote to insist.

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

Mr. BERMAN: Mr. Speaker and Members of the House: As some of you know, this was a matter that came before our Committee and as I recall over my objection this bill was pushed out of Committee in an incomplete stage under the pressure to help in an early adjournment. Now I agree with the gentleman from Bangor, Mr. Soulas that this bill has some merit. I have no personal interest in the bill one way or the other but I think that the purpose behind the bill is meritorious and we are going to be here a day or two, and I would hope that you would go along and have a Committee of Conference and see if something can be worked out on this bill.

The SPEAKER: Is the House ready for the question? A vote has been requested. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Soulas that the House insist and join a Committee of Conference. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 67 having voted in the affirmative and 45 having voted in the negative, the motion prevailed.

#### Non-Concurrent Matter

Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1229) on which the House accepted the Minority "Ought to pass" Report of the Committee on Judiciary and passed the Bill to be engrossed on June 23.

Came from the Senate with the Majority Report reporting that the Bill be referred to the 105th Legislature accepted in non-concurrence.

In the House: On motion of Mrs. Baker of Orrington, the House voted to insist and ask for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (H. P. 1244) (L. D. 1579) which was passed to be engrossed in the House on June 6.

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

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

#### Messages and Documents

The following Communication:

THE SENATE OF MAINE

Augusta

June 23, 1969

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature

Dear Madam Clerk:

The Senate today voted to adhere to its former action whereby it accepted the Unable to Agree report from the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill, An Act Increasing Certain Fish and Game Fines (H. P. 1204) (L. D. 1531)

Respectfully,  
(Signed) JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Orders

Mr. Rideout of Manchester presented the following Orders:

#### Tabled and Assigned

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 7-A, to read as follows:

**7-A. Requirements for drafting. All requests for bills and resolves, filed with the Director of Legislative Research pursuant to Joint Rules 8 and 10, shall be considered as received for drafting provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation.**

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 8, to read as follows:

**8. Cloture.** During any regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 P. M. of the fourth Friday following the convening of the session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 P. M. of the third sixth Tuesday following.

ORDERED, the Senate concurring that the joint Rules be amended by repealing Joint Rule 10 and the following enacted in place thereof:

**10. Filing after cloture. No bill or resolve shall be received by the Legislature after 1 P. M. of the fourth Friday following the convening of the session except by unanimous consent in the body in which it is introduced.**

The SPEAKER: The Chair recognizes the same gentleman.

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen: of the House: These three orders that I presented have to do with the housekeeping of the House. Under the rules they must be tabled until the next legislative day and in the preservation of time rather than to explain them today I would wait until tomorrow with your permission.

The SPEAKER: The gentleman from Manchester, Mr. Rideout further moves that these be tabled under the rules. Is this the pleasure of the House?

The motion prevailed.

Mr. Brennan of Portland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Law and Legislative Reference Librarian, Edith L. Hary, be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference, and that she be reimbursed for her necessary traveling expenses. (H. P. 1277)

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

Mr. Dennett of Kittery presented the following Order and moved its passage:

ORDERED, that the Speaker of the House and not exceeding four members of the House, or five members if the Speaker is unable to attend, designated by him, be and hereby are authorized during the current biennium to attend the conferences of the National Legislative Conference; and

BE IT FURTHER ORDERED, that the necessary traveling expenses of the Speaker and the members appointed by him be paid from the legislative appropriation.

The Order received passage.

Mr. Dennett of Kittery presented the following Order and moved its passage:

ORDERED, that the Minority Floor Leader and Assistant Minority Floor Leader be and hereby are authorized, during the current biennium, to attend the conferences of the National Legislative Conference and that they be reimbursed for their necessary traveling expenses.

The Order received passage.

Mr. Benson of Southwest Harbor presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring that the Legislative Finance Officer, William H. Garside, or his assistant if he is unable to attend,

be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference, and that he be reimbursed for his necessary traveling expenses. (H. P. 1282)

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

On motion of Mr. Benson of Southwest Harbor, it was

ORDERED, that Sharon and Jennifer Hanley of Clinton Sherman Air Force Base, Oklahoma be appointed to serve as Honorary Pages for today.

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring that the Legislative Research Committee is directed to study the adequacy of existing law in regulating expansion of facilities through the acquisition of taxable property in the name of agricultural societies and associations which are tax exempt; and be it further

ORDERED, that the State Bureau of Taxation is directed to provide such information and other assistance as the Committee deems necessary to carry out the purpose of this Order; and be it further

ORDERED, that the Committee report the results of its study at the next regular or special session of the Legislature. (H. P. 1283)

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

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

ORDERED, that the Clerk of the House be and hereby is authorized, during the current biennium, to attend the conferences of the National Legislative Conference and meetings of any committee thereof on which she may serve; and

BE IT FURTHER ORDERED, that the Clerk be reimbursed for her necessary traveling expenses.

The Order received passage.

#### Passed to Be Enacted

An Act relating to the Water and Air Environmental Improvement

Commission (S. P. 322) (L. D. 1084)

An Act to Reorganize the Department of Economic Development (S. P. 363) (L. D. 1245)

An Act to Give Relief to Elderly Persons from the Increasing Property Tax (S. P. 474) (L. D. 1550)

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

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 matters had been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

#### Orders of the Day

On motion of Mr. Richardson of Cumberland, by unanimous consent, the Chair laid before the House the second tabled and today assigned matter:

HOUSE ORDER requesting opinion of the Justices re constitutionality of House Amendment "B" and Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

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

Pending — Passage (Under the Rules)

Thereupon, the Order received passage.

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

Bill, "An Act to Provide for the Construction and Improvement of Airports Throughout the State; for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-

owned Buildings and Institutions and Provide for other Essential Improvements to Facilities for the Department of Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000" (H. P. 307) (L. D. 394)

Tabled — June 23, by Mr. Emery of Auburn.

Pending—Motion of Mr. Bragdon of Perham to Insist and Ask for a Committee of Conference.

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

Mr. HASKELL: Mr. Speaker, I move that we recede and concur and would speak briefly to my motion.

The SPEAKER: The gentleman from Houlton, Mr. Haskell moves that the House recede from its former action and concur with the Senate. The gentleman may proceed.

Mr. HASKELL: Mr. Speaker and Members of the House: This comes back from the Senate with three amendments on it. One of the amendments put on in the Senate was for the construction of a tourist information facility at Houlton. I submit that we have an entirely new situation with respect to Interstate 95, that we have a high speed limited access highway going from Kittery to Houlton, and on this highway at the present time there is only one source of tourist information and this is oriented only to traffic entering this state from the south coming north. It is possible to traverse this highway in something between five and six hours and to pass completely through the state thus stopping at any point to take advantage of the attractions that the State of Maine offers to tourists.

There has been a very substantial increase in traffic at this point and this traffic flow fortunately has been measured because there is a count kept at the border of traffic entering the United States at the point of entry at Houlton and also traffic leaving the United States at the same port. This traffic count shows that since the completion of Interstate 95 there has been an increase of

approximately 180 per cent in the traffic flow at this port; the custom and immigration officials also projecting the increase for this year at something in the area of an additional 40 per cent increase. A great deal of this traffic now is tourist traffic entering Maine at Houlton from tourist trips made in Canada; tourists entering at Houlton have no source of tourist information on the Interstate highway.

Now all of the towns and cities along the Interstate route normally have information centers for tourists. The Town of Houlton has such a center which is manned the year round. However, it is not the custom as you are all aware, of people on high speed limited access highways to leave the highway to go into the towns and search for tourist information. So we do have a situation wherein we have a very substantial tourist flow of traffic entering at Houlton that has absolutely no source of tourist information the entire length of the Interstate highway.

Now as a businessman long ago I learned that it was wise to spend money if there was a prospect of making more money. I submit that you have exactly the same situation here, that money spent to provide tourist information at this port of entry into the State of Maine would certainly generate very substantial tourist revenue. I think that we are in a situation where we are totally neglecting a very substantial part of the tourist traffic that is generated by our publicity efforts and we provide absolutely no tourist information at this point, and I certainly feel that this amendment should gain the acceptance of the House.

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

Mr. BENSON: Mr. Speaker and Members of the House: There is no question but what the gentleman presents a very compelling argument. The fact is if we were to build an information center there, there is no reason in the world why we shouldn't have information centers at all the entrances to the state. We had a bloody go at this the other day and I think we had

a fairly substantial vote against putting an information center in Houlton and I see no reason why we should reverse ourselves on this.

It grieves me a bit to take issue with the gentleman but I very frankly don't see, I think we have much greater needs really for this amount of money than an information center at Houlton.

Mr. Speaker, if I am in order I would now move that we recede.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson now moves that the House recede.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I don't know whether my ears deceive me or whether I am getting a little hard of hearing when I heard the adjective, or I thought I heard the adjective put on this matter by my good friend from Southwest Harbor, Mr. Benson, when he said we had some sort of a go at this the other day. Now frankly what Mr. Haskell said has made very good sense. This is one of the main arteries entering the State of Maine on the east and it is the main connection to the Maine Turnpike and the Interstate system.

Now frankly it seems that the mood of this Legislature and possibly the mood of the people of the State of Maine is such that they may not take all of these bond issues; they may be very very selective. Now I say it is true that we had a go at this the other day. I would hope that you would not go along with the motion of the gentleman from Southwest Harbor to recede because I just have a feeling, I just have a suspicion that if we went along with that motion to recede another motion would be forthcoming and we would get into indefinite postponements of one amendment or another amendment or another amendment, but perhaps I am wrong; perhaps I am unduly wary of what is going on in certain sectors of the House. Now I ask you very frankly, with all the sincerity that I can muster, that if we are going to get out of this session this week—and there is that

possibility, that we don't get in a situation where we keep being in non-concurrence with the so-called unmentionable body. So I hope that you will not go along with the gentleman from Southwest Harbor to recede and then we will be able to have a vote on receding and concurring.

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

Mr. SNOW: Mr. Speaker, I would also like to take exception to the motion of the gentleman from Southwest Harbor. This is not a situation that would open the door to tourist information such as booths at various entrance places into the State of Maine. This is an entirely different situation, this is at the other end of the Interstate and I feel that this does rate some consideration in that respect.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker and Members of the House: I hope you won't go along with the motion to recede. There is one amendment on this bill now that I and the folks in my area are interested in. I am referring to Senate Amendment "B" which provides for a \$55,000 appropriation for a Regional Airport in northern Oxford County. This money is needed to supplement a \$25,000 appropriation made in the 103rd Legislature which is now held in escrow.

The money would be used for the construction of a 3,000 foot runway which the Maine Aeronautics Commission estimates would cost \$160,000. The \$55,000 which we are requesting through this amendment, together with the \$25,000 appropriated by the 103rd Legislature, would represent the State's share of the construction costs. The remaining \$80,000 must be raised by the communities involved before the State's monies would be available.

There are several sites being considered for the location of the airport and we cannot proceed with final plans until we have assurance that there is money available for construction. The Regional Airport would serve an area of 50,000



people and would permit commercial aircraft to serve the industries located in our part of the state. In addition, there are approximately 50 private aircraft which are operating from small and dangerously located airstrips in northern Oxford County.

Now we have tried unsuccessfully to get new industries in that area which are badly needed and having failed I would like to see those who are there further developed and be able to use this airstrip as most corporations now do, as they most all have their own planes. I am sure the industries in that area would be glad to come up with some of that \$80,000.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: So that the House may be fully appreciative of exactly what the present state of this bill is, the Senate has sent this bill over here with three amendments on it. One is for the tourist information center at Houlton, the second is for the Oxford County Regional Airport and the third, Senate Amendment "C" under filing number S-285 would have the State of Maine not loan the money to the Maine Port Authority for the construction of a ferry terminal at Portland for the Lion Ferry service between Yarmouth and Portland. It is an outright grant of \$500,000.

Now as you know those of us who think it would be a splendid idea to have a ferry service between Yarmouth, the Maritimes, and the City of Portland have been in here before much earlier in the session asking your support, and I said then and say again now that I don't see any reason why we should underwrite operating losses and I don't see any reason why the State of Maine should give an outright grant of \$500,000 for the City of Portland to build a terminal.

Now as I follow the news the Portland City Counsel has appropriated, taken the preliminary steps to appropriating the necessary monies from its capital construction program to build this

terminal. This \$500,000 then is not needed, and even if it were needed in my opinion we should put it on a loan basis as we did with the facility at beautiful Mount Desert Island. We should not be in the position of giving an outright grant to the City of Portland of \$500,000. I have made this clear, I think, many times before.

Now if you recede and concur at least one of these amendments in my judgment is completely unnecessary and even if the \$500,000 were needed I think it should be on a loan basis. I don't see any reason for the State of Maine to pick up this tab. And for that reason if you leave this bill in its present form I and a lot of others in the House are simply not going to vote the necessary, give you the necessary two thirds vote of those present and voting to pass this.

So I suggest to you that the best thing for all involved, including those who want this lovely tourist attraction up in Houlton and the airport facility and these other things, I think you had better allow us to open this thing up or you are going to lose I think a very substantial number of votes. I ask for a division, Mr. Speaker, if it has not been requested.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think we have to stop being provincial here really. The facilities with regard to the ferry for Portland would be owned by the Maine Port Authority so it would be a State-owned agency that would control that phase of it, and the purpose of the bond is to help Maine get the international ferry. Presently there is some competition with the State of New Hampshire. I think it is something that is very desirable for the State of Maine. I think it would aid our position as a resort state.

Now greater Portland businessmen have already guaranteed about \$1 million against any possible operating losses. I think Mr. Richardson's remarks about operating losses are a 'red

herring" in that regard. Now the City of Portland with its capital improvement budget last night I believe agreed to come up with about \$500,000 to make this a workable operation. I think that in general the ferry will help increase tourist business, consequently tax revenue, and make the State a more appealing place for the tourist industry. Thereupon, I urge you to vote against the motion of the gentleman from Southwest Harbor, Mr. Benson to recede and to vote to recede and concur.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I was going to mention the little item down to Portland but since Mr. Richardson so well described it I will omit that. But I must tell you there is probably a hundred cars to one that is crossing Calais and I must also advise you that there are so many cars that go into Bar Harbor and take the ferry that you have to have a week ahead before you are able even to get on it during the summertime. And this lone information building reminds me of a lecture that John Gould gave a few years ago about how the federal government through the Agricultural Department finally achieved the very good ability of grafting a third horn on a cow and I kind of think that this one lone information building up to the end of that road is like grafting that third horn on a cow.

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

Mr. MILLS: Mr. Speaker and Members of the House: In regard to this tourist information bureau to be located at Houlton if and when the money is appropriated, a checkup on traffic going through Washington County on these people coming from out-of-state has increased 28 per cent. It crosses over at St. Stephen, Calais and tours over into Canada and they go up and see the Mactaquac Dam which is built in opposition to the Dickey-Lincoln School proposition and then they come back through Houlton and they hit "95" coming down. By the time they return into

the United States these people are pretty well financially flattened out. They want to know and they are taking the most direct route out of Maine when they come back from the Provinces.

I think myself that if we had a good road and there are a lot of other people in the eastern end of the state that think so too, that if there was a good road from Calais to Houlton that a good many of these tourists wouldn't be crossing over, but the road isn't there and they do cross over and use the good highways up in New Brunswick. This is a continuing thing and it has been building up for the past five years. There is no question but what the flow of traffic this year is going to be much greater than it has ever been in the history of the State of Maine. There is no question but what these tourists are bringing their dollars into the State of Maine and we are going to accumulate a lot of money from the sales tax to these people.

It is a roundabout route, granted, but also when the boat strikes were on along the Atlantic coast the American truckers were taking up their loads of cargo at St. John and the best time they made was to go up through and cross over at Houlton and come down "95". and I might say that in following this route they were delivering cargo per tonnage rate of 50 cents a ton cheaper than it could be landed at the Port of New York. All of these things have a great bearing on this thing being established in Houlton. I haven't spoken on it before because I thought that the boys from up in Aroostook could handle it very well but I am in hearty agreement on having this thing built, I think it is one of the greatest things for our tourist traffic in the eastern end of Maine and I do think it is going to bring a lot of tourist dollars up into that area.

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

Mr. BENSON: Mr. Speaker and Members of the House: We are talking about a whole can of worms here and I think if you will recede as the motion is pres-

ently before us then we can recede from adoption of Committee Amendment "A" and then we can talk about these things individually and not all at once. I don't think that we are concentrating on one issue at a time. So I would hope that the House will go along to recede, and before I sit down I might convey the message that the roll call machine is broken and if anyone is inclined to have a roll call this morning it is going to be the old fashioned long way.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I feel I must take issue with my good friend from Southwest Harbor, Mr. Benson. This is really no can of worms. This is an investment and if I could possibly allay the fears of my good friend from Ellsworth, Mr. McNally, about the three-horned cow I would be perfectly willing to have a poster up there in that tourist information center extolling the virtue to short-horns or even cattle with no horns. So I hope we will get to the meat of the matter and have an investment put forth here for the State of Maine and not get waylaid by talk of three-horned cattle or cans of worms.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson that the House recede. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

83 having voted in the affirmative and 49 having voted in the negative, the motion to recede did prevail.

Thereupon, on motion of Mr. Benson of Southwest Harbor, the House receded from the adoption of Committee Amendment "A".

Senate Amendment "B" to Committee Amendment "A" (S-277) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, I now move the indefinite postponement of Senate Amendment "B" to Committee Amendment "A".

Whereupon, Mr. Fraser of Mexico requested a vote.

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

Mr. BENSON: Mr. Speaker and Members of the House: The airport bond issue, as it was presented to the Appropriations Committee, did not have any mention in it of this Oxford Regional Airport. This is an afterthought and I realize that probably it is enticing and so forth to the representatives from that area, but I think that these things should come in and should have a hearing the same as the rest of them do and it is for this reason that I would support the motion for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is true as the gentleman from Southwest Harbor says that this airport was not in this program, which incidentally is my bill. It is also true that the original program called for the Auburn-Lewiston airport to be in this. It is also true that it was struck out. Now I went along with this even though it was certainly affecting my area where in it concerns this Senate Amendment here and, Mr. Speaker, I would like to go along with this amendment because of the industry in this area. The Rumford area has the world famous Oxford Paper Company. They are just completing a program of an additional \$50 million in that area. People from all over the country and all over the world for that matter come in and out of that area and these very high salaried experts and people certainly should have the privilege of landing within their area outside of having to land either at Portland and driving or Auburn and Lewiston and driving.

For that reason I would certainly urge that the indefinite

postponement of this amendment would not prevail.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: My recollection is that the Appropriations Committee in considering this airport bill approved every item where there was a possibility of federal participation. It is my understanding that there was no federal participation expected or proposed in this airport bill. I hope that you will go along with the original finding of the Appropriations Committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There was no appropriation for federal participation because the measure concerning the area airport around Rumford was not in it. That is the only reason, and I am positive and certain that if we include this in it that this proposal as approved when the time comes around for federal appropriations this will be dealt with as any other area of regional airports. Now I went along two years ago with an emergency measure for airport construction in the area of the gentleman from Southwest Harbor, Mr. Benson, because it facilitated the weekend traveling of businessmen who came to visit our areas. This here would be an enticement for our business people who come to do business here and I think it is equally as important, and I certainly hope that this program will have its opportunity to have the people decide yes or no as to whether they want it.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I would like to make this House aware of the fact that we in northern Oxford County are almost segregated or excluded from the main transportation line of this State. The nearest city to us where we can get fair bus transportation

is Lewiston, which is forty-two miles away. We have one of the largest and probably the most prosperous industries in this state which means that it is one that does use planes considerably. We also have a number of other firms that use planes considerably.

In regard to participation from the federal viewpoint I cannot expound on this theory but it is a participation program to the extent that local industry and local municipalities have agreed that they would stand the cost of at least half of the project when it is adopted. The area is also a very popular sport region. The ski developments and the ski resorts are expanding probably as fast if not faster in that region than any other part of the state, so consequently it would cater not only to industry but also to recreational activities. And I think that this \$55,000 would be a very minimum sum to spend for this facility.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the amendment that is before us this morning. As the gentleman from Perham, Mr. Bragdon has told you and the gentleman from Lewiston, Mr. Jalbert, the money for this airport in northern Oxford County was not a part of the bond issue that was presented in the original L.D. 394. It was not a part for a number of reasons, and I think one of the most interesting reasons that it was not a part of it is perhaps are the reasons why this House voted to do away with the Aeronautical Commission. The Commission, and as the gentleman from Augusta, Mr. Lund told us when we were discussing the bill, presented to us a program for which they could not really explain nor give us the cold facts about. We had to call them in to executive session at least twice to discuss the program with them. Northern Oxford County, as the gentleman from Mexico has indicated to you, had \$25,000 in the bond issue two years ago and it was the assumption at that time

that an airport could be built with that amount of money and like money of course being matched locally and federally. This is not the case. Additional monies are needed to construct that airport.

Now it isn't as if we were constructing or actually okaying a brand new facility because really this Legislature two years ago felt that an airport was and should exist in northern Oxford County, and so that is really not the premise today. It is really a question of whether or not we want to fund with enough money to make it a workable airport.

Now the gentleman from Perham, Mr. Bragdon has indicated to us or to you that the money is not available. Let me point this out, that in the present bill as reported out by Committee Amendment "A", which was originally adopted, there are actually two facilities, only two facilities of the twelve or so that are in the Aeronautics Commission bond issue, which had money already set aside by two federal agencies. And so what we are talking about is putting money in escrow. When federal money is available—and obviously the money would not be spent until such time as federal money is available from the Federal Aeronautics Commission. Now that federal money could become available before we come back in two years and I think it is important that if we want to do something in northern Oxford County that we do do it now and we do put the money with the additional \$25,000 which they already have as of two years ago and to give them sufficient money to build a facility which would help to serve that area.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Briefly to review this entire picture the original bond issue called for an appropriation or an expenditure of \$11,140,000. The Appropriations Committee reduced this down to actually \$1,640,000 and then put \$300,000 in as has been explained for study of projects that might

want to be considered by future legislatures.

I think also we might want to take and review the general bond picture that we are faced up to this year in which there are some \$172 million worth of bonds still presently before us or on the Appropriations table. This is a tremendous number and amount of bonds that will be placed before the people and the amount of money that is involved. Now I do concur completely with the thinking of the gentleman from Southwest Harbor when he says that these bills of this nature should be given complete and serious consideration in bill form before the Appropriations Committee and not come in in amendment style.

This entire airport situation I thought was well reviewed with the engineer of the Aeronautics Commission and at that time he went over pretty much the airport situation in the State of Maine and at that time there was no discussion of further expansion in this area. And I would hope that the House would go along with the indefinite postponement of this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt that Senate Amendment "A" be indefinitely postponed. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken. 64 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "B" to Committee Amendment "A" was adopted in concurrence.

Senate Amendment "C" to Committee Amendment "A" (S-285) was read by the Clerk.

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

Mr. RICHARDSON: Mr. Speaker, I move the indefinite postponement of Senate Amendment "C" to Committee Amendment "A" which is on your desks as filing number S-285. This would propose granting an outright grant, not a loan, to the City of Portland, or to

the Maine Port Authority, but the facilities to be located in Portland, of \$500,000 for the construction of an international ferry terminal.

Now my good friend, and I mean that, from Portland, Mr. Brennan used such touching and novel expressions as "red herring" to describe my remarks. Well the fact of the matter is that the Portland City Council has in fact taken the preliminary steps to appropriate this money. And the second thing is that I see absolutely no reason to put this on an outright grant. If you want to put it on a loan basis so that the State will get the money back that is one thing, but to give an outright grant to the City of Portland to construct a ferry terminal for a private enterprise situation I think is completely out of the question.

Now we talk about these things on a regional basis and since I live and work in the greater Portland area I suppose I might be expected to support this but I think it is unconscionable. I see no basis whatever for allowing this to go through, and if this remains in the bill I shall not vote for the adoption of this bond issue. You I think are being misled if you are being told, which you are being told by this amendment, that they need the money. They have already assumed the obligation to take this action and I think that you are making a tragic mistake to leave this amendment in here.

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

Mr. BENSON: Mr. Speaker and Members of the House: Just another word. A representative from the Portland Chamber of Commerce asked for a meeting with the Appropriations Committee way late in the session and it was to talk about this particular issue here. We told them at that time that it would not be satisfactory to us as a committee to even consider an outright grant, such as this is, \$500,000 for the construction of the Ferry Terminal. We told them at that time that if they wished to prepare an amendment, which would do the same as was done for Bar Harbor when they constructed their Ferry

Terminal, a loan to be paid back over a specific period of time, that this was worthy of consideration. But for an outright grant it was not acceptable to us as a committee. And they went ahead and prepared the amendment this way anyway.

Now personally I could not support the bond issue either, if this remains in there. So I hope that you go along with the motion to indefinitely postpone.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is all well and good to talk about loans at this stage but frankly it is much much too late I think for that. I think the facts are that southern Maine now is in competition with Massachusetts and New Hampshire to get this facility. I think the question is—are we really going to be provincial here to the disadvantage of the State of Maine and to the advantage of the neighboring states of New Hampshire and Massachusetts? Or are we going to help the State of Maine?

Now there is considerable local money going into this as I said earlier, local businessmen have guaranteed about a million dollars against any operating losses. So I see no threat for operating losses in regard to the State of Maine as has been pointed out by the gentleman from Cumberland, Mr. Richardson. Furthermore the City of Portland last night approved of the spending of \$500,000 for a capital improvement connected with this project. It is this additional bond issue that will put this into effect. So I hope that the House would oppose the motion to indefinitely postpone and be statesmen and support this issue.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: We must in all sincerity concur with the gentleman from Portland's remarks in this question. The time has come for the State of Maine to stop being so chauvinistic and provincial in deal-

ing with certain problems. And, if we don't want it in Portland, then Portsmouth will have it, you can rest assured.

The SPEAKER: All in favor of the indefinite postponement of Senate Amendment "C" to Committee Amendment "A" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, 79 having voted in the affirmative and 46 having voted in the negative, the motion to indefinitely postpone the Amendment in non-concurrence did prevail.

Senate Amendment "D" to Committee Amendment "A" (S-288) was read by the Clerk.

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

Mr. BENSON: Mr. Speaker, I move the indefinite postponement of Senate Amendment "D" and would speak to the motion.

The SPEAKER: The gentleman from Southwest Harbor, Mr. Benson moves the indefinite postponement of Senate Amendment "D" to Committee Amendment "A" and the gentleman may proceed.

Mr. BENSON: Mr. Speaker and Members of the House: Taking on Aroostook County is a fairly sizable hunk to chew. Kind of like little Willie down in Texas who was taken in for cattle stealing. He was brought before the court and it was announced that the State of Texas versus Willie, and Willie said — Good God, what odds!

There is no interest or debt retirement in the Part II budget for these three Senate amendments that we have been talking about for the last few minutes. This is one thing that we should all understand as we vote on these. Second of all, one of the things that disturbs me as much about building the building in the first place — that disturbs me more really, is the fact that we have been very much concerned about an increase in our budget and an increase in the number of people that we are hiring to work for the State.

If we build this facility at Houlton then I think that we have got to very seriously consider one down at Calais where we have much much more traffic. And we

are going to have to staff this, we are going to have to have people there on a twenty-four hour basis; and I think we are talking about somewhere in the vicinity of eight people at least. So we are not talking about just a \$94,000 appropriation to build a building; we are talking about adding to our state payroll to staff it.

All in all I think that this is something that we can do very well without; I am sure that the people will find their way down the pike, and I do agree with the representatives from Houlton and the Aroostook County area that this would be very nice, but I do think that there are many projects higher up the ladder of priority than this particular one and I hope that you support the motion for indefinite postponement.

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

Mr. WAXMAN: Mr. Speaker, Ladies and Gentlemen of the House: I was going to speak earlier on this but I was afraid that I might be accused of trading boats for the Portland Ferry Terminal. As I understand it, we are cutting our advertising budget for Vacationland advertising in the state by over \$100,000. There is a possibility that down in New York City we might be closing up at Rockefeller Plaza and up in Montreal. I would hope that we wouldn't be cutting back all over the state in many areas as far as spending money to promote our state and its vacation facilities. I would hope that you would support this particular amendment.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I would just point out that in my view it would be extremely short-sighted to perpetuate the present situation where on the only high speed limited access highway in the State of Maine, where we have had a tremendous increase in the amount of usage by tourists, we have a situation where there is absolutely no point from Houlton to Kittery that a tourist can get tourist information.

Now the point at Houlton is the only point in the State of Maine where U. S. Route 1, U.S. Route 2, and Interstate 95 all intersect. So all of the tourist traffic that is generated in northern Maine one way or another has to go by this point. It is an extremely strategic point for tourists and it is extremely shortsighted for the State to continue a system where the only high speed limited access highway in the State of Maine has absolutely no source of tourist information.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: There are two things about the amendment that trouble me and I would like to inquire of any of its proponents if they can answer the question. The amendment Senate "D", which is under filing S-288, proposes an additional \$152,900 for the information center at Kittery and I had understood that the Appropriations Committee had reviewed the Department of Economic Development's request and that this additional \$152,900 gets us back into this question of conference rooms for State employees at the information center. At any rate, I would like to have some member of the Committee explain that.

And secondly I would certainly like to take issue with my good Republican friend from Houlton when he says that a person who comes into Houlton has to go all the way to Kittery to get tourist information. I think that statement should be amended to say that he can't get any of our good official information about what is to be seen and enjoyed here in Maine. These people certainly have every opportunity in the world to visit regional, municipal informational booths. They might, heaven forbid, stop by and ask a native what there is to see. So if you adopt this then you are going to be in the position of doing the same thing for Calais out of any sense of fairness. And therefore I hope you support the motion.

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

Mr. MARTIN: Mr. Speaker, I would like to answer the question posed by the gentleman from Cumberland, Mr. Richardson. First, if you will look in Committee Amendment "A" you will find that the money provided for the Kittery division there, or the information center at Kittery, is \$152,000 and this was recommended unanimately by the Committee on Appropriations. Now what the amendment does is to remove that section and then to put it back into the bill with Houlton, and so the amount of money for Kittery is the same amount as was recommended by the Appropriations Committee, and so there is no difference there. As you well know, the amount of money recommended in the budget originally was some half a million dollars for Kittery and the Committee felt that this was much too much for the information center.

While I am on my feet I might comment this, that in 1965 when they were building Interstate 95 into Aroostook County members of the Oxford County delegation met with the State Highway Commissioner and asked and pleaded with them that they at least stop the intersection before it got into Canada. We were bluntly told that this could not be done, that the intersection of Route 95 had to go into Canada and it couldn't stop in the United States because of the way the federal law was written. And so Interstate 95 continues into Canada.

For the first two years after Interstate 95 was built the only sign on the Interstate at Houlton said, "Houlton" and then it said "North Straight Ahead." If you went north you went into Canada without knowing that you had to get off at the Houlton interchange to go into Aroostook County points north. And so we went back to the Commission two years ago and pleaded with the State Highway Commission to change its signs and this took a year before they changed the sign. Now the sign is now changed and it says, "All Aroostook County Points, Turn off at Houlton," but it has taken us since 1965 to even tell the people who are using Interchange 95 north that if they want to go into



Aroostook County they have to get off at Houlton if they don't want to end up in Canada.

Now I certainly hope that—I really didn't want to speak on the amendment because I thought probably that someone was going to accuse me of being provincial and I am sure someone will now that I have spoken on it, but let me tell you that when you live there and you see what has happened since 1965 you well realize what help an information center could be at Houlton.

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

Mr. BERMAN: Mr. Speaker, Members of the House: I really hate to belabor the point but this is a very very essential thing for the whole State of Maine. It is not just an area project. Now I would particularly like to call your attention to a very salient remark made by the gentleman from Houlton, my able colleague Mr. Haskell. In contrast to the situation at Calais and other points along the border the entrance to the Interstate which happens to be at Houlton is an entrance to a high speed non-access highway. Once you get on that highway you continue, you continue until you come to the toll gates down here at Gardiner or West Gardiner. Now none of us objected, as I recall, when the State of Maine spent \$80,000 in just one particular spot in the Augusta area for a rest area—not a tourist information center but a rest area. Now this information center that we are concerned about on the eastern entrance to a high speed non-access highway is going to contain restroom facilities.

Now I don't begrudge any amount of money spent for those types of facilities on a high speed, non-access highway. As a matter of fact, at the present time, I think between Old Town and the Canadian border at Houlton, the State of Maine unfortunately has no restroom facilities.

Now I won't go into a story that I told one member of the House this morning out in the corridor because I won't take up the time of it now, but I think that if Maine

is going to be a vacationland, and if we have no restroom facilities between Old Town and the Canadian border at Houlton — and we have been nice enough to go along with \$80,000 just for a rest area facility near Augusta, this House in all fairness should give us a combination of tourist information center and a rest area somewhere in the Houlton area, if Maine is going to live up to its name as Vacationland.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When this measure came out of the Appropriations Committee it did not have the amendment for the spot in Houlton. However, I mean anyone can amend a bill up or down as he sees fit. I have physically seen and observed the situation at Houlton. I find myself now in accordance with this program as I might not have been so enthusiastic last week. I think this area is a gateway, and I think it is needed. I think it will bring us an untold amount of additional dollars in return in good will, and I feel very strongly that this amendment should not be indefinitely postponed.

It appears a new word has come into the picture, the word provincial. I mean, I never knew that it was a bad thing to be provincial. I can tell you one thing right now that somewhere along the line I am usually prone to protect my chicks. In this particular instance I am moving into Aroostook County, because I will tell you one thing about Aroostook County besides being provincial, if you want some votes on this bond issue, \$1,949,000, I am one of those who accepts threats. I go along with this amendment.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I feel that I must go along with this motion for indefinite postponement. It isn't as if there were no alternatives to this. I personally think that \$90,000 for restrooms is ridiculous, and as far as publicity is concerned and information, I personally am in support of

the Maine Publicity Bureau. They handle about four times the traffic at Calais than there is in Houlton, and they don't seem to feel overburdened, and so I think that probably we could have the Maine Publicity Bureau take care of this situation if they were given the opportunity.

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

Mr. PORTER: Mr. Speaker and Members of the House: I was born and brought up in Houlton a little over a hundred years ago, and it is very easy for me to think of Houlton as in the days of horse and buggies. I went to Houlton this weekend, and I was perfectly amazed to see how the traffic has built up on 95. I was interested in going over to the Customs and watching traffic for a while. I found there were three groups of traffic coming across the line. The Mainers came through Customs, then took off like a mule with a burr under its tail. The Canadians came across and began watching both sides of the road as if they thought a bear or moose or an Indian was going to jump out at them.

And then the third class were the out-of-staters. Practically all of them paused after they came from Customs and dug out their road maps. I became convinced then that there was a need for an information center at Houlton. Personally I would much prefer that Houlton and Aroostook County would pay for it. But if this Legislature thinks the State should, that is perfectly all right with me, but I think there is a need for an information center at that spot.

The SPEAKER: The pending question is on the motion of the gentleman from Southwest Harbor, Mr. Benson that Senate Amendment "D" be indefinitely postponed. 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.

49 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "D" to Committee Amendment "A" was adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendments "B" and "D" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "B" and "D" thereto in non-concurrence and sent up for concurrence.

On motion of Mr. Carey of Waterville, it was

ORDERED, that Karen Lee Giroux of Winslow be appointed to serve as Honorary Page for today.

(Off Record Remarks)

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

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary (H. P. 21) (L. D. 24)

Tabled—June 23, by Mr. Levesque of Madawaska.

Pending—Further consideration.

On motion of Mr. Ross of Bath, the House voted to recede and concur.

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

JOINT ORDER re the Legislative Research Committee studying equity and funding of all state-municipal revenue sharing programs.

Tabled—June 23, by Mr. Marsteller of Freeport.

Pending—Passage. (H. P. 1284)

Thereupon, the Joint Order received passage and was sent up for concurrence.

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

JOINT ORDER re the Legislative Research Committee studying current practices and operations of the Casco Bay Lines.

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

Pending—Passage. (H. P. 1285)

Thereupon, the Joint Order received passage and was sent up for concurrence.

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

An Act Appropriating Funds for Military and Naval Children's Home (H. P. 1203) (L. D. 1530)

Tabled—June 23, 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: Before I really start off, I would like to make a couple of comments in my very official capacity as a monitor in this House. On this item a roll call was ordered yesterday before our machine went on the fritz. However, since the machine is now broken, I would like very much to reconsider and not have this time-consuming process that we are going to go through, but this is not possible. The roll call procedures are spelled out in our Constitution under Article IV, Section 5, and we cannot tamper with the Constitution. This will be a new experience to most of you. It will afford you the opportunity of seeing how we used to have to vote prior to the 103rd session, and why back in those days we did not have many roll calls.

Now on this item, it went to a Conference Committee, and at that committee three staunch opponents voted to keep the home open because they felt that that was now the wish of the House. However, they did suggest one thing that was not necessary. They put an emergency clause on this. It did not need an emergency clause because already in Part I it has been funded, it is to be kept open until January 1. And unless we stay here until the last of September, that emergency does exist.

Now an amendment has been prepared under filing number H-583 by the gentleman from Southwest Harbor, Mr. Benson,

and this would remove the emergency clause. However, I don't want this House to think that I am pulling any shenanigans. The Chief Executive has this appropriation in his latest suggestion, and I don't know and none of us do how we are going to finance any of these programs.

In our prior debates it was often mentioned that the original vote was 97 to 33, only 33 people voting in favor of this. But the second vote, the 33 went up to 50. The third vote, it went up to 63. The fourth vote it went up to 75. Yesterday on the emergency enactor it went up to 93 with a very light House here. And so, I now move that this item be passed to be enacted, unfortunately, by a roll call which we call by the Clerk.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Very briefly, I am aware of the fact that both political parties have the charming habit of culling through the legislative record in order to find a vote of a potential opponent that could be used to embarrass him politically. I wish to indicate to the gentleman from Bath, Mr. Ross and the others who support this bill why I shall vote against it. Whether you take the emergency off or not, I am quite certain I am going to lose. But we have discussed and debated this bill many times and it seems to me that by passing this bill with this amount of money on it you are perpetuating an institution which has been described as not carrying out its functions, you are not putting in enough money in my judgment—and I am advised by the people on the Appropriations Committee who are now going along with this, you are not putting in enough money to eliminate the possibility of a tragedy that would be a blot on every one of us and on every citizen of this State.

Unless and until you are going to put this institution on a safe basis, staff it and equip it properly to meet the legislative responsibilities that you are vesting with it, then I cannot in good conscience

vote for this amount of money. And I speak as an individual, certainly not as the majority leader, when I say that I cannot in good conscience support this. It may be the legislative thing to do and it may be politically appropriate, but I think it is a tragic mistake.

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

Mr. BENSON: Mr. Speaker and Members of the House: I was one of those, as you all know, who signed a report from the Appropriations Committee to close the Bath Home. We could not do that. The Legislature just would not go along with closing the home. Now if we do not pass this measure today, then we are closing it in a left-handed manner, I feel. Now I have not changed my mind about whether the Bath Home should stay open or not. I think that the Bath Home should be closed. But the Legislature in its wisdom has decided not to close it. Therefore, I feel that it is our responsibility to restore the money necessary to operate it for the next two years and then I am sure we are going to have another go around on whether the Home should stay open or not. But I think it is the responsible thing to do to give them a sufficient amount of money to operate that facility for the ensuing two years and then we will once again consider this matter.

I hope that you will vote this morning to pass this bill as an emergency measure because if you don't we are just going to take the emergency off and we will pass it by a bare majority. It is going to pass one way or the other I am sure, because you have already said that you wouldn't close it.

So I think the responsible thing to do this morning is to pass this as an emergency measure and let's be done with it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think my feelings concerning the Bath Home and somewhere along the line its inequities is well known. However, this House has indicated that they would keep this

Home open and I think it is our duty to finance the program and I certainly wholeheartedly concur with the gentleman from South-west Harbor and I wholeheartedly do not concur with the gentleman from Cumberland, Mr. Richardson.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I simply wish to remind the gentleman from Lewiston, Mr. Jalbert, that in previous debates on this matter he was as vehement and as strong as anyone else in suggesting that we could not in good conscience perpetuate this institution in its present condition. Now my point is that if you are going to improve this facility and put it on a basis of which we can all be proud and know that it is going to work, then fine, I will vote for that appropriation; if this is the legislative will and it apparently is. But when you push this little gem through as saying, "Well, this responsibly funds this program," it doesn't. It perpetuates the condition which led the Appropriations Committee unanimously to tell the members of this House that this was not a suitable facility and that it should not remain open, and all you are doing by passing this is perpetuating for another two years the same condition that led to their making the recommendation that it be closed.

And it is that recommendation that I take exception to and I again of course am going to abide by the will of the House. As the Assistant Majority Leader has so candidly pointed out, we are going to get it anyhow, whether we like it or not. But I can't in good conscience support it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might inform the gentleman from Cumberland, Mr. Richardson, that I am an idiot enough to sometimes say that I have changed my mind. I have changed my mind and I hope he doesn't mind. If he does, so be it.

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

Mr. SOULAS: Mr. Speaker and Members of the House: I have given many hours of study and deep thought ever since I became involved with the Bath Naval and Children's Home. At this time, without any mental equivocation whatsoever I feel the decision of the Conference Committee is acceptable to me. My responsibility to my committee has been fulfilled. I think we did what we thought was best for the children at the Home. I am afraid we were thinking with our hearts and not our heads, as pointed out by the Appropriations Committee. I am sure that the representatives in the Bath area will make every effort to see that our wishes and the needs of the children are carried out. With this in mind I hope you will vote in favor of the motion of the gentleman from Bath, Mr. Ross.

The SPEAKER: If it is the pleasure of the House that this Bill be passed to be enacted as an emergency measure, you will vote yes; if you are opposed you will vote no. The Clerk will call the roll. If you are in favor you will answer yes or "yea"; if you are opposed you will answer no or "nay". The Clerk will call the roll.

#### ROLL CALL

YEA — Allen, Bedard, Benson, Berman, Binnette, Bragdon, Brennan, Brown, Bunker, Burnham, Carey, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote Cottrell, Couture, Cox, Crommett, Crosby, Croteau, Curtis, Cushing, D'Alfonso, Dam, Drigotas, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Faucher, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gilbert, Giroux, Good, Hall, Haskell, Hawkins, Henley, Heselton, Hewes, Hichens, Hunter, Jalbert, Jameson, Johnston, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, Levesque, Lewin, Lewis, Marquis, Marstaller, Martin, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Norris, Noyes, Ouellette,

Page, Quimby, Rand, Ricker, Rideout, Rocheleau, Ross, Santoro, Scott, C. F.; Snow, Soulas, Starbird, Stillings, Tanguay, Temple, Thompson, Tyndale, Vincent, Watson, Wheeler, White, Wood, The Speaker.

NAY — Baker, Barnes, Bernier, Birt, Boudreau, Bourgoin, Buckley, Carter, Chandler, Cummings, Dennett, Donaghy, Dudley, Farnham, Fecteau, Foster, Gauthier, Hanson, Hardy, Huber, Immonen, Jutras, Kelley, K. F.; LePage, Lincoln, Lund, MacPhail, McKinnon, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Sahagian, Scott, G. W.; Shaw, Sheltra, Susi, Trask, Waxman, Wight, Williams.

ABSENT — Curran, Danton, Harriman, Moreshead, Nadeau.

Yes, 104; No, 42; Absent, 5.

The SPEAKER: One hundred and four having voted in the affirmative and forty-two in the negative, and five being absent, 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 sixth item of Unfinished Business:

Bill "An Act relating to the Purposes and Powers of the Maine Port Authority" (H. P. 1265) (L. D. 1595)

Tabled — June 23, by Mr. Crosby of Kennebunk.

Pending — Motion of Mr. Noyes of Limestone to recede and concur.

Thereupon, the House voted to recede and concur.

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

An Act Establishing a Full-time Administrative Hearing Commissioner (H. P. 1242) (L. D. 1577)

Tabled — June 23, by Mr. Levesque of Madawaska.

Pending — Passage to be enacted.

On motion of Mr. Levesque of Madawaska, under suspension of the rules, the House reconsidered its action of June 12 whereby the Bill was passed to be engrossed.

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

House Amendment "C" (H-587) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendments "A" and "C" in non-concurrence and sent up for concurrence.

The Chair laid before the House the eighth 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 23, by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker, I move the indefinite postponement of this bill and I would speak to the motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves the indefinite postponement of L. D. 1600. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: For well over a year now, a number of you here in the House, myself included, have been absolutely convinced beyond any doubt that we must make a substantial change in the method by which we presently confirm gubernatorial appointments, supervise department activities and department fund transfers and handle the questions of probation, parole and pardon.

Now we have prepared—and before us later on in the table here—is a bill to, or several bills, one of which would strip the Executive Council of its statutory powers. There is another bill, as you know, which would create a so-called legislative council to assume these responsibilities. Now during the course of working on this, it has become apparent to me as one of the principal sponsors of this legislation that we need very much to

examine this question, to come up with a proposal that meets a number of legal and constitutional objections, that we need very much to devise a legislative council, if that is the ultimate direction we take and I think it is one that we should take, that will adequately and properly and fairly represent both the minority and majority parties in both houses of the Legislature.

I propose to introduce an order directing the Legislative Research Committee to study the subject matter of this bill, the companion bills, and report to the first special session of the Legislature its recommendations with respect to this legislation.

Now there is one other thing that leads me to this action and that is that we need to work out an amendment and because of the time involved we just simply don't have time to bring to this question the kind of quiet and untroubled deliberation that it must have or we will create a monster. It is for this reason that I hope that all of you will join me in the indefinite postponement of this bill and the companion bills and subsequently support an order directing Legislative Research to bring out a recommendation, if it can in fact agree on a recommendation.

Now the other thing to remember is that these bills would involve a change in our method effective January of 1971. We are not postponing in any true sense of the word action on this issue. We are still going to be confronted with this and I can assure you that I for one will continue to insist, much to the dismay of some of my Republican friends, that the Governor's Executive Council should be abolished.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: As a long time advocator of government and legislative reform, it really disappoints me that each session we go through the debate and arrive at the same conclusion. I have to concur with the remarks of the gentleman from Cumberland, Mr. Richardson, but it is with a hope and a

profound desire that we may next session or in some immediate session make the necessary legislative reforms that can bring us up-to-date. In a dynamic society such as we live today legislators must be in the position to respond quickly to the needs of the modernization of government, not only in our immediate legislative work but also in the setup of the organization itself. And with these words I concur again with the remarks of Mr. Richardson that this be referred for further study.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Surprise! I am going to concur with the gentleman from Cumberland, Mr. Richardson. I am very happy this morning that perhaps we are taking this course. I would assure the gentleman from Cumberland, Mr. Richardson that I didn't leap into this whole subject touched by any emotions. I thought what little debate we had on it was quite rational and quite to the point and they did, as the gentleman from Cumberland suggested, touch on highly technical and constitutional points. If something that is really factual and down to earth could be brought out of this I would be most happy, but I do hope that you will go along with him in the indefinite postponement of this measure.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This morning you have heard the remarks of the gentleman from Cumberland, Mr. Richardson that we need to be doing something in regards to the Executive Council as it is presently formed.

I think we in the loyal opposition have advocated a change in the system that we presently have, going as far back as fifteen or twenty years ago, realizing that we are a little bit nearer to solving some of the archaic problems that have been caused by the present method of the Executive Council and this necessarily does not reflect the individual thinking of the Executive Council, nor does it reflect actually

what it was intended to do by representing the Legislature after we go home.

I think the new members of this House could bear with me and could bear with the members of the Legislature that have been here for some time, that the present members of this Legislature as well as the previous legislature namely two years ago, the structure and the thinking of its members is entirely different than it was twenty years ago or twenty-five years ago. The arts of wheeling and dealing as it was known in the past, and you could go into a few local establishments and find out from some of the older people that were around then that as many laws were made in these local establishments, if not more, than was actually made in the halls of the Legislature.

All of you recognize that that is passe. I think by far the biggest majority of the members of this House want an open and free discussion of the merits of the laws that we are going to change or offer to be changed, and the idea of wheeling and dealing in outside establishments is a historical past. And I think the manner of being referred to the Legislative Research Committee might not provide the entire answers to the questions.

But I think as responsible members of this Legislature we must try to do everything we can in the very near future to correct the archaic system that is presently before us and I think the goals of the gentlemen from Cumberland, Mr. Richardson, as well as myself, could very well end up in something that will be beneficial to the Legislature, to better our image, and I think the code of ethics that has been presented before this Legislature or changes in the present code is very well before us because I think the general public by and large would like to see the Legislature itself strengthened to be able to deal more effectively with the problems of our State and I think these are going to be goals that this Legislature, if at all possible, in either a special session or other members of the next legislature will see that the needs of the public need to be done effectively and economically to the best of the

ability of the Legislature and all its resources.

So therefore I concur with the motion of the gentleman from Cumberland this morning only in the light and the vein that it will produce something that will be more effective. Thank you.

The SPEAKER: The pending question is the motion of the gentleman from Cumberland, Mr. Richardson, that this Resolve be indefinitely postponed. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the Resolve was indefinitely postponed and sent up for concurrence.

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

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)

Tabled — June 23, by Mr. Hardy of Hope.

Pending — Passage to be engrossed.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: In the beginning, let me thank you for giving me the courtesy of tabling this the other day, and I want to begin by saying that L. D. 1597 sets up an ambient air quality standard at the request of our federal department and so in no way should this bill die nor can it die. These quality standard areas must be set up.

L. D. 1597 as printed contains two types of air quality standards for prevention of air pollution. Section 584 of the bill provides for the establishment of ambient air quality standards within air quality regions established pursuant to Section 583. The ambient air quality standards are the standards which guarantee the overall quality of the air in a particular region at a level that will best benefit the people of the State of Maine.

However, in Section 585 of the bill, the Commission is also authorized to establish the emission standard, and it is this duplication

which bothers me. An emission standard is a standard which dictates exactly how much smoke or other emission can come out of an individual chimney but I believe that if there was a problem in the region, then obviously there must be control over how much smoke may be emitted from an individual chimney. But if there is no problem, and if the ambient air standard or the overall quality of the air within the region is not being violated, I see no need for the enforcement of emission standards.

I have an amendment which would give the Commission the power to establish the emission standards for every chimney, but provides that these emission standards are not enforceable unless the ambient air standard is violated. If there is a violation of the ambient standards, then I agree, the Commission should be allowed to tell me how much smoke shall come from my particular chimney. But if the overall quality of the air around the house I live in, and within the air quality region in which I reside is at or above the quality established for that region, I don't think the Commission should require me to make all sorts of reports and tests.

And incidentally ladies and gentlemen, this word "may" is an odd word. I sometimes would rather see the word "shall" injected in legislation, because under the word "shall" you know exactly what you are going to do, you know exactly what is going to be required, but "may" may mean most anything. There is no reason to install other devices to not only monitor but to restrict the amount of smoke coming from this particular chimney of mine.

Mr. Speaker, I offer House Amendment "A" under filing number H-579 and move its adoption.

House Amendment "A" (H-579) was read by the Clerk.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise in opposition to this amendment offered by the gentleman from Hope, Mr. Hardy. Today in the



KJ, and also in the Waterville Sentinel in my area, there appeared a letter in the KJ Letter Box and Letters to the Editor in the Sentinel, from Professor Donaldson Koons, Chairman of the Water and Air Environmental Improvement Commission. He states some very good reasons why this is not a good amendment. One reason is, why let this condition exist and then stop it? Why not stop this condition before it exists?

Now we have a lot of large companies, not only in this state but in other areas of the country, that can afford to send lobbyists down here in Augusta. The average taxpayer, and that is the majority of the people in this state, cannot afford to hire lobbyists. They have to rely on the judgment, the integrity and the duty of this Legislature. It is our duty to protect them wherever we can. Many times this is hard to do because of the pressure put on by the lobbyists. In this case the people have no lobby down here working for them. It is our duty to work for them.

If this amendment goes through it will allow the condition to exist before any action is taken. This is the trouble today with our rivers and our streams. Our major rivers in the state, the major river in my area, the Kennebec, is nothing any more than a stream to conduct the waste down to the ocean. This should never be allowed to happen. This is a chance here today to defeat this motion and allow this Water and Air Environmental Improvement Commission to do their job and to do the job the way the people expect them to do it.

The other day, from the Maine TB and Health Association, we all received a letter on our desk. They state in the third paragraph, "We believe that this amendment, if approved, would destroy the capability of the Air and Water Environmental Improvement Commission to act effectively to protect Maine's air quality and would, in fact, permit the quality to deteriorate further. It is our understanding that the Commission believes similarly."

Now this is true, and so taking this all into consideration I now

make the motion that we indefinitely postpone this amendment.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: As you all know, there are various ways to destroy legislation. If you cannot accomplish it by a frontal attack, it can be accomplished by an apparently innocuous and logical sounding amendment, and I would suggest to the House that that is the effect of the amendment that you have before you. If we should accept this amendment it would mean that no controls would be available against an individual air polluter until such time as the combined effect of his discharges, together with those of other air pollution sources, caused the surrounding ambient air of the region to exceed the standard that is established.

Only a few days ago when we were discussing the shortcomings of the bill to regulate the location of new industry like the Tepeco project or petroleum refineries, the opponents of the bill said that the proper way to regulate is by establishing sound standards for air and water. This amendment would work just the opposite result because no controls over emissions could be established until the surrounding air became worse than the established standards.

If we accept this amendment, we will be repeating the mistakes we have made in the control of water quality. We would be allowing industry to pollute first and then attempt to regulate to bring things back into line.

If you have doubts about the effectiveness of this approach, let me point out that the survey of the Kennebec River was made in 1960. It will take us at least sixteen years to complete the time schedule for compliance with the water quality standards. In the meantime, and ever since 1960, the Kennebec River has been going steadily down hill in quality.

When all is said and done, it boils down to this. Are we going to allow industry to build in air

pollution just the way it has built water pollution into its industrial processes? Are we going to allow industry to fill the air with soot and gases until the limits for ambient air are exceeded, and then and only then begin to regulate the emission from each plant?

Perhaps you may disagree with me in my critical comment on our past history in the area of controlled water pollution and feel that our record is a commendable one. There is a big difference between air and water. If our water quality goes bad as it has in many of our rivers, we can use other waters. We can purify the waters for our own use, or we can turn our backs on the rivers as we have on the Androscoggin, the Kennebec, the Penobscot, the Aroostook and the Prestile. But if our air becomes polluted, we have no way of purifying it. We have no way of seeking other air short of moving away from the State of Maine. It is the only air we have. We must breathe it as it comes to us.

I have reviewed this amendment with Professor Koons, Chairman of the Air Environmental Improvement Commission. He advises me that in his opinion, and in the opinion of the Assistant Attorney General who has charge of enforcement for the Commission, that this amendment would render the enforcement of this law totally ineffective.

If we adopt this blockbuster amendment, then we surely will have sold our birthright for a mess of pottage.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I rise today to concur, as a member of the Natural Resources Committee, in defeat of this amendment. I believe that this will make effective enforcement powers of the Commission impossible. Emission controls could be applied only after the degradation of air quality had occurred. It is naive to assume that the emitters would maintain standby equipment ready for possible use, or that they

would immediately comply with the Commission orders to reduce the output.

I would read to you again the part that Mr. Hardy referred to, but he did not read the whole section.

"The Commission," under Emission Standards, 585, "The Commission may establish and may amend standards, herein called emission standards', limiting and regulating in a just and equitable manner the amount and type of air contaminants which may be emitted to the ambient air within a region. Such emission standards shall be designed to prevent air pollution and to achieve and maintain the ambient air quality standards within the region in which applicable."

It seems to me that each time we turn to a new pollution program we are persuaded to bury our heads in the sand once more by various business interests. I must point out to you and it must be obvious to many that throughout this session the Natural Resources Committee has presented many bills trying to deal with new environmental changes. Each bill has been emasculated or killed even though there were long-time efforts to work out the problems with the various business interests which gave us hope of some meaningful legislation. But once we bring them to the Floor here they are killed. The past history of our water pollution as has been pointed out certainly serves as some kind of a lesson or should. We seem possessed to lock the stable door after the horse is out and to make the cost prohibitive in the future to correct these new areas of pollution.

I urge you to vote for the indefinite postponement of this amendment.

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

Mr. JAMESON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the three previous speakers. I too am opposed to this amendment because I feel that effectively it makes the bill useless. In essence it says every-

one can pollute as much as they want through their smokestacks until the whole region is so badly polluted that the entire regional standard is violated. Not until this happens do we try to control what is coming out of our smokestacks. It is like saying on the river, everyone can go ahead and pollute the river and then when it gets to be a nuisance we will start to cut down on what each individual polluter puts into the river.

I think that the Committee was correct in requiring not only an overall regional ambient standard but also setting up individual standards for individual polluters. If we are interested in an air pollution bill that does anything we have got to cut down on or at least control the amount of pollution that is going into the air. If we pass this amendment we just won't be doing this with any effectiveness. I too agree with indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of this amendment. We are not only in this bill dealing with industry. It has been pictured here to you this morning the smoking stacks of factories and the fumes that result therefrom. Now this bill while I am certain is basically an excellent bill, I also entertain grave doubts if very few in this House have read it. I would like to call your attention to Section 582 where it defines air contamination and where the emission comes from.

It says, "Air contamination source' means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores; heating and power plants and stations; building and other structures of all types, including single and multiple family residences, apartment houses, office buildings, hotels, restaurants, schools, hospitals, churches."

It goes on to say, "garages, vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft; portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse, dumps and piles; and all machinery, equipment, stack, conduit, flue, duct, vent, chimney or other apparatus." As a matter of fact it is very very comprehensive.

Now, again, I think the idea this morning by previous speakers has been to sell you the idea this refers only to industry that pollutes our air. As you hear this section as read you know it goes right down to the little house out in the country where they may burn wood and smoke coming out of the chimney.

Now this is fine. I doubt very much if they would bother anyone out in the wilderness with a little smoke coming out of the chimney. But nevertheless this isn't what this bill says.

Now the amendment as proposed by the gentleman from Hope, Mr. Hardy would just simply state that this is not enforceable unless the overall standards are being violated. I think this is some protection for communities in general. I certainly hope that you will not indefinitely postpone this amendment.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I arise today to oppose the amendment offered by the gentleman from Hope, Mr. Hardy. I feel that it is unnecessary and it is unjustified and undesirable at this time. If you take a look at L. D. 1597 you will find that the bill would allow the Commission to establish regional standards of air quality throughout the State, which would set forth maximum allowable concentrations of various types of air pollutants, not only industry.

The Commission would then establish the limits on the amount and the rate of air pollution for the individual source of a contamination in the region. These individual limits are known as emission

standards. Then through a process of reporting, recording and enforcement, the Commission could control the amount of pollution that would be put into the air at any given time. If you cannot control all emission then there is no sense in having the bill, because as the gentleman from Kittery, Mr. Dennett pointed out, if you control only industry and everyone else is polluting the air, then you haven't accomplished the goal that you are trying to achieve. It is important to note that the bill would give the Commission the power to enforce individual emission standards at any given time.

The amendment, however, would prohibit the Commission from enforcing emission standards until after the air quality standards have been violated for an entire region. Let me repeat, the amendment would prohibit the Commission from enforcing emission standards until after the air quality standard had been violated for the entire region. In other words, it would be okay to dump an excessive amount of pollution into the air until such time as the entire region was contaminated. Only then, and only then after the damage had happened, had occurred, could the Commission take action against the individual polluter.

I maintain, ladies and gentlemen of the House, that this is a ridiculous way of doing it. The amendment would cut the heart out of the bill and would make the enforcement provision meaningless. It would say in effect that we should do nothing and could do nothing to prevent excessive air pollution until it is too late, until the excessive pollution already existed. It would prevent the Commission from working with the individual polluter who is violating the emission standards before the citizens of the entire region suffer. Instead the Commission would be put in the position of having to act against a large number of polluters at once and only after the suffering had occurred.

In other words, it is like saying to the police we can't enforce the speeding laws until everyone has been killed. It is like saying we

won't put a limit on the fish that we catch until all the fish are gone from the stream. It is like saying that you lock the doors—which has already been pointed out, until the horses are gone and then you say let's lock the doors.

I think ladies and gentlemen of the House, that it is time we realized that if we want to control pollution, whether it is water or air or any other type, that it is time that we set the standards before we don't have any standards to set. The existing bill I think would permit the firms to obtain the variants from the standards in circumstances where they felt they had to be and the Commission has the power under the bill to do this. The amendment is unnecessary, and as the gentleman from Augusta, Mr. Lund has pointed out, it is a classic example of overkill. It would bust down the whole dam when the floodgate already exists. I hope that the amendment is defeated because if it does not then the bill itself is worthless.

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

Mr. CROMMETT: Mr. Speaker and Ladies and Gentlemen of the House: I concur wholeheartedly with the opponents of this amendment. I would have been greatly pleased if the speakers against this amendment had taken the same attitude in the pollution caused by DDT.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: You may or may not have received the same type of letter I received from the Maine Tuberculosis and Health Association in Augusta, Maine. To shorten this thing I will read one paragraph.

"We believe that this amendment, if approved, would destroy the capability of the Air and Water Environmental Commission to act effectively to protect Maine's air quality and would, in fact, permit the quality to deteriorate further. It is our understanding that the Commission believes similarly.

The situation of the ambient air quality would become much like that which happened to our major rivers, action would not be taken until gross pollution had occurred. We believe prevention to be preferable and more in the public interest." So on and so forth.

Ladies and gentlemen, I simply want to call your attention to the millions and millions of dollars that have been spent by the Tuberculosis people in the United States to prevent the disease known as tuberculosis and to consider how many years it took to control tuberculosis.

I will support the indefinite postponement.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I have been accused of a little of everything here this morning but I wish to get back to some of the things that annoyed me and not to lobby in this state. They note here portable fuel burning equipment and they note here machinery, and I happen to be the owner of portable fuel burning equipment. This is one of the pieces of equipment that we use in the culture of blueberries in the State of Maine. This is our only way to prune this crop. It has been indicated to me very recently that in all probability with this bill passed we would be prevented from using the oil burning type of pruners.

I think that one of the most important parts of this bill and something that you will all understand; first, let me say this, the federal government has been all these years worrying about the pollution of our rivers and only this past year did they ask the states to create these air standards which I agree with that such pollution should not take place in our air. Now mind you this, and mark you well, the air pollution is new enough to the federal government that they are only asking us to do this now. The water pollution has gone on and on for years and I suggest that we have closed several "sans" in the State of Maine and I don't think our pollution here is

getting any worse as time goes on.

But the most important part of this bill is this sentence right here: "Such other information as the commission may by regulation prescribe." Now do you realize that you are presenting this Commission, this Water and Air Environmental Commission, with the authority to provide other regulations which in all essence and as far as the constituents back home are concerned become law. We have done this with all other major departments here in the state and these are the things that annoy us no end when we go home and find highway rules and regulations. In this case we gave the department the right to promulgate rules and regulations and here a new, another commission is asking for this same thing and it gives them a carte blanche to make what rules and regulations they will and we must abide by them.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: Briefly I would just like to add one note to this, I believe everyone had a letter from the Tuberculosis Association that was opposed to this amendment. I would, however, like to call your attention to several facts, first of which is that tuberculosis as a disease has been practically wiped out in the State of Maine. This has not been due to any diminishing air pollution but simply medical science who has found better ways to fight this. But again I would call your attention to one fact that I think is outstanding.

Some years ago tuberculosis was quite prevalent in the State of Maine as it was in many other states, but it seemed to hit hardest in the northern part of our state where perhaps the air certainly was the purest.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Chandler.

Mr. CHANDLER: Mr. Speaker and Members of the House: I dearly hate to prolong this any further but the term "red herring" came up this morning and I do think this is what we are seeing right now. I sat here a moment ago bemusing

the fact that the word "tuberculosis" hadn't been in my hearing in recent years referred to the Maine TB and Health Association and obviously that group is concerned with any injury to an individual's lungs, not just the disease tuberculosis. In pursuing this matter further I requested the members, or two members in particular, of the study group on air pollution to provide me with factual information regarding this amendment, what it did. I will read to you briefly from their statement. "It places an unreasonable burden upon the State. It represents an unreasonable dilution of the State authority in the air pollution control area."

With due apologies to Mr. Hardy of Hope I do feel that his amendment is quite likely an attempt to pay only lip service to the very serious problem of air pollution. I would thus recommend that we go along with the indefinite postponement motion.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: This is a very serious area that we are dealing with this morning. The different committees on the federal level and the state level have studied these complicated laws that would help the people to help themselves in providing better water and better air circulating in the state. I think the junior senator from Maine in Washington has been one of the advocates of getting some of these dull subjects before the general public before they realize that it is too late.

I think in the Hardy amendment that we have before us this morning will do exactly what some of the people would like us to do, is provide some legislation that will provide the most controversy, that will produce nothing.

So, therefore, on my part anyway in trying to inform the members of my party that we have had in our platform for at least the last four years trying to help the people of the state help themselves in providing this type of laws. I think with the amendment on would poorly put legislation on our books which would, in effect, do exactly nothing other than to say that after

you have polluted the water, we will look at it and decide what is to be done.

I don't think any industry or any municipality is going to buy equipment to put on their machinery or in their incinerators or other instruments that might pollute the air only to keep it idle until somebody decides that they have already polluted the air, then get the machinery going. I think the time for them to start looking for the machinery to prevent the air pollution is when they are installing the equipment. And there are many ways that they can do that to their advantage and will also be to the advantage of the people of Maine. So, therefore, I support the motion to indefinitely postpone the amendment.

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

A vote of the House was taken. 71 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Mr. Lund of Augusta offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-584) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

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(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,  
Recessed until two-thirty in the afternoon.

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After Recess  
2:30 P.M.

The House was called to order by the Speaker.

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On the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1229) the

Speaker appointed the following Conferees on the part of the House:  
 Mrs. BAKER of Orrington  
 Messrs. MORESHEAD of Augusta  
 LUND of Augusta

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

Mr. BIRT: Mr. Speaker, I would ask if the House is in possession of Senate Paper 491, L. D. 1585, Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years?

The SPEAKER: The answer is in the affirmative.

Mr. BIRT: Mr. Speaker, I move that we reconsider our action of yesterday whereby this bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" as amended by House Amendment "A" thereto.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House reconsider its action of yesterday whereby this Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" as amended by House Amendment "A" thereto. Is this the pleasure of the House?  
 (Cries of "No")

The Chair will order a vote.

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

Mr. BIRT: Mr. Speaker, I would speak to that motion.

The SPEAKER: The gentleman may proceed.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "C" provides that the Attorney General would be elected statewide, and this has been bothering me for quite some time, and the more I look at it the more convinced I am that it might not be a good move. I am completely in concurrence with the idea of making the Attorney General's office a full-time job, and also in agreement that a four-year term of office would be very acceptable. But I cannot convince myself that the type of people that you would

want to occupy the office of Attorney General would be able to spend both the time and the money to get themselves elected to a job of this level.

Take state-wide elections at the present time, \$50,000 to \$75,000 is not uncommon to be spent on running state-wide in a popular election, and this is not even taking into consideration the possibility that there might be a primary battle in which the candidate would be individually entirely on his own responsibility.

The House Amendment "A" to House Amendment "C" says that the pay and allowance of the Attorney General shall be the same as the justice of the superior court. The superior court justice today receiving in the area of \$18,000 paid over a period of four years, he would receive \$72,000, and I fail to understand how that a person would want to run state-wide and spend \$50,000 to \$75,000 to take a job which he had only a possibility of netting \$72,000 over the run of four years. It seems to me that we are moving in the wrong direction in wanting to adopt this Amendment "B". The original bill called for a state-wide election. They reported out of State Government Committee to set up the office on a full-time four-year basis but it left it to be elected at the same method that it presently is, by the Legislature.

I feel this has worked reasonably well over the last many years and I would hope that the House would go along on the reconsideration motion.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: This bill boils down to three basic tenets. One is full-time Attorney General for four years on the same salary scale of a superior court justice, The third and last thing that Mr. Birt apparently objects to is the method by which the Attorney General will hold his office.

Now obviously from the reports of the Committee and the general

stir this has caused, there is a difference of opinion. Some of us believe that the Attorney General should be elected. Some believe he should be appointed by the Governor. Some believe he should be elected by the Legislature, which is currently the case.

Now I think the issue should boil down to this. If you vote for reconsideration, you are voting against the election of the Attorney General, and I think it is an honest area of disagreement. I, for one, have changed my mind from the time of the committee hearings whereby I feel that I like the bill with the amendments as it is, an elected full-time, four-year Attorney General with the appropriate salary that he should get, and I would offer this to you in a way of an explanation.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. DENNETT.

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the reconsideration motion, simply on the same grounds that I believe the gentleman from East Millinocket, Mr. Birt objects to, and that is the state-wide election of the Attorney General. And I too object for the same reason.

I have no fault to find with any of the other amendments, particularly a four-year term and raising his pay to the level of a superior court justice. But I too agree that it seems rather absurd for any man running on a state-wide basis with the costs that are involved, to get a good man who would really do a job and just possibly break even and have four years work for fun.

Now I well realize that other states do elect their attorney generals, and they are appointed in other manners too in other states. But I still think that here in the State of Maine we have the best process for electing the Attorney General, electing him by the Legislature, and over a period of years we have had some pretty good Attorney Generals even when the minority party elected. I couldn't find any fault with their choice of attorney general and

neither do I find any fault with those who have been elected by a Legislature of the majority party. I certainly hope that you would vote to reconsider.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: When this bill was first reported from our committee, I was with the two, myself and a member of the other body, who signed a report favoring the original bill which was essentially the same as Amendment "C". The bill was re-committed to committee and thinking that I could only get a part of what I thought was necessary, I like many of us here was willing to go along with part of a loaf rather than reject the whole thing. I at least got some improvement, so I went along with the unanimous report that was reported out. But I must join with Representative Rideout today in supporting him in voting against the reconsideration motion because I feel that the bill in its present form for the statewide election is a good one and I think that the Attorney General will better reflect the thinking of the State at large in this matter. So I urge you to vote against the reconsideration motion.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: First I would like to make it very clear to the members of the House that even if the Attorney General should have to run for office and be elected by the people I am not a candidate for that office. Not being a member of the profession, I do not think that I am going to start a campaign for that kind of position and that is very clear.

I do hope that the members of this House will not move to reconsider this document because I think that this position of the Attorney General in our own State where this would be and still is a policy making decision that certainly a person of the right calibre that wishes to be part of the policy making decisions of the At-



torney General's office would have to have the consensus of the people of the State of Maine in order to rightly decide on these policies to reflect the general consensus of the population.

So the bill in its present form I feel is excellent and will afford the office a four year term in which they can establish these policies and I think that the motion to reconsider at this time is a step in the wrong direction. I think the members of the House have made a decision that they would like to see the Attorney General on a four-year term and not only for that purpose but now that we have reinstated the clerk of courts on the ballot I think even more important that the Office of the Attorney General for a four year term should also be on the ballot.

So therefore I encourage the members of the House to vote against the motion to reconsider this document.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Our forefathers in their wisdom saw that when constitutional amendments were to be presented by the Legislature they could only be enacted by a two-thirds vote of each body. Now it would seem apparent here this afternoon that unless we resolve our differences on this matter and come to some sort of an acceptable compromise, there may not be the necessary two thirds to make some moderate progress in this field.

Now the new draft that was reported to us from the committee came into this House, and for lack of a better phrase I will say in its pristine elegance, and Mr. Rideout had an amendment prepared which lay upon our desk for a day or so and I think one of the gentlemen from Houlton had an amendment which lay upon our desk for a day or so and when the bill came up for its second reading, being a resolve rather than an ordinary bill, Mr. Rideout very graciously presented his House Amendment "A" and it was accepted. And the gentle-

man from Houlton presented his House Amendment "B" for the two year term which it would seem would make the office more responsive to the people who elected the State's attorney and that too was accepted.

Now somehow in the process the bill got tabled for later in that day's session. Now I must apologize to the House at least for myself, because certainly I was unaware when one of my young friends in the House presented House Amendment "C". I had talked to this young gentleman about so-called House Amendment "C" and at one time he told me that he wasn't going to offer it so I was, frankly, lulled into a sense of security and I would think, although I am sure the gentleman from Kittery is well able to speak in his own behalf was also lulled into a sense of security.

So what happened, on the same day as I recall it, House Amendment "C" was offered, it went under the hammer. It was in effect an abrogation of House Amendment "B" which we put on that morning. This was not called to the attention of the House. It went under the gavel and lo and behold, when I saw the calendar of the other body the next morning, I spoke to the gentleman from Kittery and I said, "Something has happened here, here we have House Amendment "B" and House Amendment "C." House Amendment "C" is in direct abrogation of House Amendment "B", it was not called to the attention of the House. It went under the hammer.

So eventually it gets back to this House in non-concurrence because it didn't take too long for someone in the other body to figure out that House Amendment "C" was in direct conflict of House Amendment "B". So when it got back to the House, my good friend and able colleague from Kittery, Mr. Dennett wasn't in the House and I asked to have this matter tabled and extended the usual courtesies, but someone in the House said well we won't do this, we will let this bill go ahead to be engrossed and it will speed up

the process and so on and so forth.

Well, on that particular Friday the gentleman from Houlton was a realist and he knew that he didn't have enough votes to counteract the gentleman who wanted the bill to be engrossed and so on and so forth. So now we are back here today and I think that we honestly should support the gentleman from East Millinocket, Mr. Birt and give this matter a fair and complete airing because I don't know but I have the feeling that what happened with House Amendment "C" going under the gavel with no explanation being offered to the House that it was in direct abrogation of House Amendment "B", that this matter may possibly not get enacted.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In case you haven't figured out already, I was the one that offered House Amendment "C". I told the gentleman from Houlton that I was contemplating offering the amendment and that I was not going to do so that morning. The gentleman from Houlton, Mr. Ber- man should have told you that he saw the amendment before it was printed which I had not even had a chance to look at.

Now in that afternoon session I offered the amendment, the gentleman was in his seat, and I saw no reason why I should go into any long detail about what the story was. So I think it is quite obvious that it was my impression at the time that the gentleman was in favor of it. I certainly believe that we should have an elected four-year term for Attorney General. I think that if we want to be responsive to what the people want I think we will also agree that this is so. The people have been clamoring for years that they want to elect the chief law enforcement officer of this State, and since the Attorney General is the chief law enforcement officer of the State of Maine, then I think the people should decide who the Attorney General should be, and

so I hope that you vote against the motion to reconsider as made by the gentleman from East Millinocket, Mr. Birt.

The SPEAKER: The Chair will order a vote. Is the House ready for the question? The pending question is the motion of the gentleman from East Millinocket, Mr. Birt, to reconsider. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 56 having voted in the affirmative and 80 in the negative, the motion did not prevail.

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

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

Tabled — June 23, by Mr. McTeague of Brunswick.

Pending — Adoption of House Amendment "A" H-569.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I just wish to say that I have great reservations on this bill. There is probably needed a human rights bill in this State. However, I have on the report chosen to go along with the Report C as compared with Report A and Report B, but later on if Report B was accepted, and I have a lot of objections about House Amendment "A" which was presented and which was the issue before us but I am told the sponsor of the amendment will withdraw it so I will retain my objections to the later amendment until that time.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: We first prepared House Amendment "A" about two or three days ago and during the course of those two or three days a number of members both in the State Government Committee and other members of the House brought certain areas that might be problem areas

to the attention of people interested in the bill. As a result of this we had, if you will, a new draft of House Amendment "A" made up which is now labeled House Amendment "B" under filing number H 582. For the purpose of offering H-582, House Amendment "B" at this time I would ask to withdraw House Amendment "A."

The SPEAKER: The gentleman from Brunswick, Mr. McTeague withdraws House Amendment "A."

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

House Amendment "B" (H-582) was read by the Clerk.

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

Mr. MARSTALLER: Mr. Speaker, I move for the indefinite postponement of House Amendment "B" and I would speak to my motion.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller moves the indefinite postponement of House Amendment "B." The gentleman may proceed.

Mr. MARSTALLER: Mr. Speaker and Members of the House: If you vote to indefinitely postpone this Amendment I will offer House Amendment "C" which in effect brings back Report C of the Committee. As you remember there were two human rights bills presented to the Legislature and they came before the State Government Committee. The State Government Committee in turn brought out three bills, Report A, Report B and Report C. As a signer of Report C, I would like to state my reasons for signing Report C. In essence Report C set up a commission. The commission could hear cases, could mediate cases, and then was instructed to report to the Governor and Legislature describing investigations and proceedings and to bring recommendations for any further legislation.

I signed this report and I believe this to be the logical and right step for us to take in this area of human rights at this time.

Now Report B, which is before us, and the amendment on Report B which is before us, does this but it also does an additional thing, it

makes provision for these cases to go to court. And I feel at this time that this is not the answer to the problem. Early this year I brought in a bill related to another subject and someone told me that I couldn't legislate honesty. And I think we cannot legislate in this field of human rights without knowing more where we stand in this State of Maine.

This legislation is patterned after legislation in some other states and has many of those provisions. It is also patterned after the federal law. We do have a problem here in Maine but I feel it is not a serious problem and we need to have legislation that is fitting to our problem. And if we have legislation that fits someone else's problem then we may have someone else come in here to make a test case with our legislation. So I feel that this Report C, which I hope you will eventually adopt because I feel we should make some move in this direction, is the one we should adopt. So I hope that you will go along with me in the indefinite postponement of this amendment.

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

Mr. RIDEOUT: Mr. Speaker, I would offer House Amendment "A" to House Amendment "B" under Filing Number H-590, move its adoption and would speak to my motion.

House Amendment "B" (H-590) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RIDEOUT: Mr. Speaker and Members of the House: I am not entirely sure, as any of us are, which House Amendment, either "B" or "C" will be adopted, but if "B" is adopted I am sure I want House Amendment "A" to it.

At the risk of offending Mr. McTeague who has worked long and hard at this—and I have worked with him and with Mr. Marstaller and I think we have gone probably around the full circle, I am not overly comfortable with House Amendment "B", as Mr. McTeague knows. I signed Report C out of the committee which is

now before you in House Amendment "C" and I think that in all fairness to all parties to this that we should approach this Human Rights Commission like porcupines make love, and that is gingerly. I would prefer to accept House Amendment "C" and if it isn't adequate, we will have special sessions, we will have more regular sessions, and we can build from there; and I will vote against the adoption of House Amendment "B" in order to get to House Amendment "C".

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: First of all in regard to the amendment—I think it is House Amendment "A" to House Amendment "B" just offered by Mr. Rideout, this is a clarifying amendment in the area of pensions and retirements and I think it is a good amendment and I will support that. But in regard to—and by the way at least to me and I have been working with Mr. Rideout, Mr. Richardson, Mr. Dennett and numerous other people, but all the initials are somewhat confusing: House Amendment "A" to "A", if he had report A, B, and C; so if I may I would like to run down the reports and the amendments to them.

The State Government Committee reported out three different drafts, Reports A, B, and C. Report C is the same as the amendment just offered by Mr. Marstaller. Report B was the report initially accepted by the House but many of the ideas contained in Report A has been worked into this amendment which we now have in Report B. One of the important areas in Report A that was worked into Report B was the budget area which has been cut down to the level provided in Report A. I think I am correct in saying that seven of the ten members of the State Government Committee signed either Report A or Report B.

And there is a fundamental difference between these two reports and Report C. Report C creates a Human Rights Commission but it does very little else. It does not

change at all the fact that at this time discrimination based on race or creed in this state is a crime, a crime the same as larceny or breaking and entering. I don't think this makes very good sense to treat it in a criminal way, it is a social problem really rather than a criminal one; and I think that treating it in a criminal way, number one, does not solve or help the problem of discrimination and number two can result in very severe penalties for people who although they discriminate, certainly they are not in the class of conventional criminals.

What we have tried to do in Amendment "B" which is before the House is along these lines: provide a human rights commission—Mr. Marstaller's amendment does that too, but there is a great difference between our commissions. The commission proposed under Report C and under Amendment "C" has absolutely no power of any kind to make any order of any kind, to stop discrimination or to clear the situation. It would be in my opinion the equivalent of sending a man to the chaplain, as they do in the service; if a man has a gripe and you think he is a little bit off and you want to calm him down you send him to the chaplain who you hope will talk to him and calm him down.

I think a Humans Rights Commission should and can perform a more valuable and broader role than that. Report C is a shell. It creates no new substantive rights in the areas of fair employment, fair housing, and public accommodations. The amount of money involved is meager and the substance of the bill is even more meager.

On the other hand, the thrust of Reports A and B which I think have been to some extent combined in Report C before you is as follows. We recognize first of all that discrimination is not basically a criminal problem but a social problem and it should be handled not primarily in the criminal courts but rather by conciliation and mediation between the parties. We provide for this voluntary mediation on these very sensitive questions. We recognize and hope that often these things can be worked

out informally and indeed we provide that anything said in attempting to work out these problems informally can never be used against any party in a court.

We also provide a commission, which because of budgetary considerations is cut back somewhat in its scope and in the amount of funds from what was originally proposed, but it is a commission that still can do a helpful job. And we ultimately, not as a first step but as a last step, provide for the possibility of civil relief from a superior court judge — not the criminal action, not sending someone to jail. Sending a man to jail doesn't help that man who has got a problem in his own mind with discrimination, nor does it help the person discriminated against.

We have I think by compromise and with the efforts of many people who were very concerned in the area worked out a bill which is practical, which has a background in other states. We tried to gain from the experience of other states. And the emphasis in this bill is on conciliation and mediation and informal solution to the problems.

The only area left under this new bill, under Report B and Amendment "B" where the criminal law becomes involved at all, where we talk about convicting people of crime, is when a man not only discriminates but when he in order to back up discrimination uses force or threats of force or uses economic sanctions or threats of sanctions. Aside from those areas we are concerned primarily with mediation because that is where we think the job can be done.

One last comment. On the theory expressed, I believe by Mr. Mars-taller, to the effect that laws never solve these problems. Laws of themselves probably do not solve these problems but they can help. It was an Executive Order by President Truman that integrated the Armed Forces in 1948. It was the Civil Rights Bill pushed by Presidents Kennedy and Johnson and aided by Minority Leader Dirksen that has made our public accommodations across the country pretty much open, and it was an Executive Order signed by Abraham Lincoln that freed the slaves.

So law alone is not enough. But law can be helpful and this is one we need.

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

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: I sat on the State Government Committee which heard the two original human rights bills and I must rise in opposition to the indefinite postponement of House Amendment "B". House Amendment "C" which is to be offered is to me a completely emasculated version of the original bill.

At the hearing several weeks ago we heard testimony from those who had been discriminated against — both black and Indian — and yet following the hearing in executive session I was amazed to hear it said — "There is no problem in Maine." The National Advisory Commission on Civil Disorders reported that "Our nation is moving toward two societies — one black, one white—separate and unequal." Discrimination has permeated into the very heart of this country, and its destructive and divisive forces now threaten to destroy it. The Kerner Commission says that "White, moderate, responsible America is where the trouble lies." Yet "white, moderate, responsible America" says there is no problem.

I do not for one minute believe that L. D. 1593 and the proposed House Amendment "B" is a cure-all for all racial ills but I believe this is a first step that the State of Maine must take.

Thomas Jefferson, in speaking of the contradictions between the American dream of freedom and equality and the reality said, "I tremble for my country when I reflect that God is just; that his justice cannot sleep forever." Ladies and gentlemen of the House, I submit to you that neither can we sleep forever under a blanket of self-delusion and complacency. Perhaps it is true that we have no widespread race problem in Maine yet. But let us take action now to assure that the hatred and suspicion which has torn other sections of this nation apart never threatens to destroy us. We can no longer afford to merely

pay lip service to a problem which some prefer to think does not exist.

It is a sad commentary on this nation and on the State of Maine as well that it is even necessary for us to stand here today to plead for a bill for which there should never have been any need. The black man, as well as other racial minorities, is tired of asking white America for that which is his by birthright. It is ironic that the blacks must ask us for something to which we have no exclusive claim. And it is presumptuous for white America to pat itself on the back when it feels that it has made a concession to the minorities. How can we bestow upon another that which is already his?

All three committee reports are merely pieces of paper with empty words if we do not make a commitment to ourselves and to our brothers whose skin is of a different color that America can change. Passage of L. D. 1593 and House Amendment "B" will not give the minorities of this State anything that is not already theirs, but it will serve to reinforce our commitment to a better life of opportunity and justice for every citizen. It is time for Maine people to stand up and be counted in the area of human rights. Let us be counted among those who care.

I therefore urge you to vote resoundingly against indefinite postponement of House Amendment "B".

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: You will recall that a couple of days ago I asked that we discuss this bill because I thought it was important that we get it before us and prepare if we could the necessary amendments.

Now a number of objectionable features of House Amendment "A" were so objectionable to me that I could not in good conscience vote for the bill. House Amendment

"B" before us now unlike House Amendment "A" does not contain the objectionable features and therefore I support this legislation and I ask every member of the House to join.

Now those who say that we don't have any problems here in Maine I think are ignoring the obvious. Our problems here are simply of a smaller degree, fewer in number, but they are just as difficult, they are just as real, and in this and in so many other areas if we don't learn from the experience in other states, if we don't learn that we cannot ignore minority groups and that to do so is to do so at our peril, then we will have the unfortunate experience of again being condemned to relive a history we ignored.

A cynical man once said that justice is relatively easy to bear, it is much more comfortable to what stings in this bill is that we bear; what stings is justice. And articulate and point out in words and phrases the very things that we say must not continue.

Now those of us who say that the right to peaceable assembly doesn't give the right to commit arson, those of us who say that the right to free speech is no more important than the right not to listen, it seems to me have a correlative responsibility and duty to see to it that those who protest, that those who make their point known have an opportunity to do so within the framework of an intelligent and intelligible law.

It is for this reason that I support House Amendment "B". I hope that you will vote against the motion to indefinitely postpone it, it is a significant first step in this State. I think it is unique legislation, it is useful and it is socially constructive, and those who say that you can't legislate morality had better examine this bill. What it says is that those rights that we pay lip service to are going to be enforced, and I think that is a good day for the State of Maine and one we should welcome.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Members of the House: As a member of the Governor's Task Force I would be remiss if I didn't speak in support of House Amendment "B". We worked for more than five months on this problem, which was too short a period for a meaningful in depth study, but we tried to remove legal road-blocks and attempted to provide remedies and sanctions where we recognized violations of rights.

The question of relations between the races is probably the most crucial domestic issue facing the United States of America in this latter half of the 20th Century. America has always been a melting pot, but now there is a serious threat of a definite split between large segments of our population. Such a split, if allowed to widen, would be an unprecedented disaster for our country. The essential principles at work here are those of justice and understanding.

Maine cannot stand aloof from these problems. We have racial discrimination here, painful as it is for us to admit it. And we have a subtle denting of rights of still another minority — in addition to the Negro, Oriental and American Indian segments of our population, we have the poor, who, in all too many instances, live apart from the mainstream of American life.

Arguments have been advanced that you can't legislate the christian virtues of tolerance and brotherly love. To this, there is an apt reply, one that was given by a Negro witness testifying before a committee of this Legislature in favor of establishing a Human Rights Commission. This man said: "We don't ask that you love us. All we ask is for justice and fair play."

We have a number of regulatory agencies in the state. Whether it is the operations of public utilities or the enforcement of conservation laws or the abatement of water and air pollution, they act to protect the public interest and to accomplish goals that are deemed worthwhile.

Discrimination is a form of human pollution. The damage that it does in the environment of group relations and community life is

as great, if not greater, than the damage that polluting wastes will cause to a river system. If we have determined that physical pollution is harmful and must be regulated and stopped, then we must make the determination that the moral pollution of discrimination, of setting race against race and person against person, is equally threatening to the well-being of the people of Maine. A Human Rights Commission now, to control this problem at its infancy in our state, is an essential investment in our future.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Again I will say that I am in favor of the Human Rights bill and I will support Report "C" if it ever comes up. I have certain objections to the amendment. I am not talking racial. I am not talking about doing justice; I think everybody wants justice and I think I would like to see justice too. In order to emphasize some of the rights which probably would be the question on this thing, I start with page six of Amendment "B" which says that for any alleged unlawful housing discrimination, by failure to sell or rent, all somebody has to do is have the Clerk of Courts for him to put a certificate thereby obtaining a temporary injunction on the sale of property, which the alleged offender is brought up on that count.

Now it doesn't — this is not unless I interpret it wrong, this is not decided by a court. This is just brought in by a plaintiff or, as it says, an intervenor. Now are we going to subject ourselves to suit by any number of people or are we going to be subject to one? The one that has been discriminated against. Now this is one part of it.

And let's say they do put a temporary injunction. Now this is temporary injunction, but if you look at the bill it is in plural. So they can go on forever if they want to. In the meantime assuming that a case, that somebody is brought up and one of the parties in whose name the house is in and

dies and the other party needs to sell the property in order to have enough money to live from day to day, the question is, would they be allowed to sell the property, and apparently they won't.

Now another part of the thing which makes it more complex is due to the fact that if they put a temporary injunction on restricting you from selling your real estate, that particular real estate that involves apparently the plaintiff, they can also not only put an injunction on this particular piece of property but under the disclosure form on page eight, number six, you have to disclose all properties, all rental properties that you have and they can also put a temporary injunction for the sale or rental of any and all of those properties. Now this is going a very long ways.

Now as we go into number seven of the thing — of course these are alternatives, but it also says that they are not limited to do this thing. It also says that an order to pay legal and other expenses of the complainant. Well the legal and other expenses, there is no price on here whatsoever what the legal expense is. There is as far as the other expenses, assuming that the plaintiff wins the case, and justly so if he has been discriminated against, and he wins the case, this amendment provides that the defendant will be subject to paying his court costs, besides the penal damages. Now the only case, and I am not that well versed in it, but the only situation that I know of, that the defendant has to pay the costs if he loses his case, is in a divorce court.

Now are we going to bring a bill such as this under the same situation as obtaining a divorce? And there is no provision whatsoever that if somebody is brought into court and it is known and it is found out that he has not discriminated, what rights has he got to go against the one that brought the action after spending two or three or four hundred dollars in lawyers' fees? The only right he has, and I believe, will be that he has to show malicious prosecution and I don't know but I doubt very much if there are many lawyers

in this House that ever won any cases or handled many cases under the malicious prosecution theory.

And then it also says that the action should be commenced in not more than one year. Well I think that this is very necessary but I think that if somebody has been discriminated against let's say today, that he should be due for immediate relief and that the action should be brought within a very short time, and not subject him or subject the defendant into a long period of negotiations and everything else.

There are many many things about House Amendment "B" that I think could be improved on with the intention of protecting the rights of the one that has been discriminated against and the one that is doing the discrimination. I think these are a few reasons why I will not go along with House Amendment "B" and later if it turns out that the motion prevails I will vote for House Amendment "C." Thank you.

Thereupon, House Amendment "A" to House Amendment "B" was adopted.

The SPEAKER: Is it now the pleasure of the House to adopt House Amendment "B" as amended by House Amendment "A" thereto?

The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: A parliamentary inquiry, Mr. Speaker. Before the motion for—I have a motion for indefinite postponement of House Amendment "B." Should this amendment be adopted before we consider a new motion for indefinite postponement?

The SPEAKER: The Chair would advise the gentleman and the House that an indefinite postponement motion to House Amendment "B" as amended by House Amendment "A" thereto is in order.

Mr. MARSTALLER: I move therefore that we indefinitely postpone House Amendment "B" as amended by House Amendment "A."

The SPEAKER: The question before the House now is the motion



of the gentleman from Freeport, Mr. Marsteller that House Amendment "B" as amended by House Amendment "A" thereto be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would like to comment on some of the—review the bill by Mr. Carrier. First of all the primary tool to be used under the bill is not court action—it is conciliation and mediation. Secondly, there is an explicit provision in the bill, it's in version "B," amendment "B," to the effect that these cases should receive priority in the docket, that is they should be heard rapidly. These cases can be heard without a jury and consequently they would be in order for hearing on motion day. To my knowledge there is a motion day in every county in this state every month.

So I think the idea you may be tied up for a long period of time does not have a basis. I agree very much with Mr. Carrier's sentiment that these cases, the few that will come to court, should be heard rapidly. But remember this, when you vote on the indefinite postponement, we have a system set up to encourage and to protect conciliation and mediation in this difficult area under version "B." Under version "C" to my knowledge there is no such setup.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Because the occasion is a solemn one and I don't know whether anyone has requested the yeas and nays, I am aware that our electronic board may not be working but I would respectfully request the yeas and nays on this particular vote.

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

Mr. RICHARDSON: Mr. Speaker, is the matter still debatable?

The SPEAKER: The matter is still debatable.

Mr. RICHARDSON: Without debating whether or not we should have a roll call on this issue at

this time I simply wish to point out that the question before the House now is the adoption of an amendment and potentially possible engrossment, and at the time this bill is up for final enactment I am sure that that would be a time perhaps when we would want to have a record of the vote taken here today. I presume that it is not proper to discuss having a roll call but I would certainly hope that we would not have one and delay the business of the House another fifteen or twenty minutes on this matter. I hope that we would accept House Amendment "B" at this juncture and reserve our roll call request for enactment.

Now if I have misread the mood of the House with respect to this amendment perhaps I am wrong but I don't think that the roll call is going to make that much difference. I believe that we should accept House Amendment "B" and defeat the motion to indefinitely postpone.

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

(Off Record Remarks)

The gentleman may proceed, on the record.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think probably the importance of the roll call is not so evident. I think probably the feeling as to whether we should initiate some form of human rights that can be applied and processed to the legal terms that will solve or help solve some of the problems that have been indicated. Granted some of you members might not feel that we should have such a harsh law from the beginning but I think that the law that we are working on now in Amendment "B" is going to be fair in the process in that it will take the least possible amount of time to administer so either in mediation or conciliation and then possibly some formal hearing between a judge without having the entire court into session.

If there are any problems these could be solved pretty quickly. If we don't have the problem as in-

dictated by some members of the House either before joint committees or in the corridors, then I don't think that this law is such a battle after all; if we don't have any problem then we won't need to use it. But there are some indications in some areas that we do have the problem. Let us take the necessary steps to make sure that if there is a problem that we can take care of it in a short period of time, and I sincerely support Amendment "B" that is before you.

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

Mr. BERMAN: Mr. Speaker and Members of the House: In deference to what has been said by the gentleman from Cumberland and the gentleman from Madawaska, Mr. Levesque, I would respectfully withdraw my request for a roll call.

The SPEAKER: The gentleman from Houlton, Mr. Berman withdraws his request for a roll call.

The pending question is on the motion of the gentleman from Freeport, Mr. Marsteller that House Amendment "B" as amended by House Amendment "A" thereto be indefinitely postponed. 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.

35 having voted in the affirmative and 92 in the negative, the motion did not prevail.

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

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

Bill "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways" (S. P. 521) (L. D. 1607)

Tabled — June 23, by Mr. Dudley of Enfield.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-588) was read by the Clerk.

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

Mr. WOOD: Mr. Speaker, I move that this amendment be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Brooks, Mr. Wood moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. WOOD: Mr. Speaker and Members of the House: I will have to go back a little ways from what the date on this is. Your Highway Committee worked many hours to come up with a highway program that we thought would fulfill the needs of the State of Maine and then come up with what we thought was a way to pay for it. The budget was presented to us and we studied this a good many days and cut the recommendation from the Highway Commission by about \$14 million. That is below their request. In the process we cut about \$2 million for each year of the biennium out of State Highway and federal aid system construction; that is federal matching fund programs.

This amendment calls for cutting another \$6.5 million from that same program. This would cut back such construction programs, such construction projects as we have going on in Portland, Lewiston, a bridge in Lincoln, and in every district in this state we have roads that are federally financed for 50-50 matching funds that the programs are set up for and this is the kind of construction programs that will be cut back under this amendment.

There is no possible way that they can carry on these programs and keep our roads, keep our construction of our highways up to date unless we come up here with the money to do it with. The program calls for about \$28 million after we cut back the \$14 million.

The L.D.'s that are on the table in the other branch are such things as more money for the communities for snow removal, more money to construct State aid and a few other L.D.'s that were put in by different members of this House that would bring this up to about \$30.5 million.

We have passed a one cent gasoline tax that will bring in about \$9 million for the biennium. That cuts this back to \$21.5 million that we need to carry on this program with. We have upped the estimates about the same as we have in every biennium and they have run very near what they have been increased over the period of years. At the present time in our surplus account, if the State had to go into the surplus for any purpose now, any emergency purpose, there is \$177,000 in the surplus account. The estimates are running a little ahead of what we all thought a month or two ago that they would. At the end of the fiscal year, that is June 30th, it is expected that there will be about \$2.4 million in the surplus account. Nobody can say how much that will be at the end of another year, how many emergencies we will have as we had last winter. It will take \$3.5 million more to pay a bill for snow removal and ice control. Therefore I don't believe that this program will stand a \$6.5 million cut and keep up with the building that is required to keep our badly depleting highways in the condition that we want them to be in. Therefore I hope you will go along to indefinitely postpone this amendment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Well let me start off, ladies and gentlemen, by telling you that we are doing a lot for this commission, known as the Highway Commission. I am sure you are all well aware of them. I hope some of you have a pencil here because I would like to give you some figures that are not off the top of the cuff. They are as a matter of fact out of the records.

Let me start off by telling you that in the last two years the Highway Commission had for revenue \$79,303,000. That was their operating revenue for the previous two years. This year they are asking for—and the original L. D. gives them \$104,219,195. That is not quite what they asked for but what Mr. Wood's agreement is to give them.

Now I propose taking \$6 million, or cutting by this amendment, cutting the bond issue by \$6 million. This will still give the Highway Commission \$98,219,195. Now this is a considerable amount more than they had last year. As a matter of fact it is \$24 million more. Now actually we are really not cutting \$6 million because I want to up the estimates as much as you could have—by their own admission the estimates this year will be up about \$2.4 million. But I am quite sure that the estimates will be up about \$3 million based on what has happened already. I have it here from a paper clipping, as of April 1st it was up \$1 million already and the year has just started. So if the estimates are up \$3 million I am actually only cutting their appropriation by \$3 million.

Now we may be doing them a favor because this House has already passed a \$30 million bond issue. Now if we come out with a \$21 million bond issue I am afraid that they will both get thrown out the drain.

So I propose to you this. I have already put a bond issue out which I think is a good thing for the people. We will try them with a big one and see what they will do and for a very good cause, \$30 million; it has already gone through the House. Now if you pass and do what I am asking you to do today and pass another one for \$15 million instead of \$21 million, we are actually sending highway bonds out this year for \$45 million. That is hard for me to comprehend and believe me I didn't think I would ever see the day when I would stand before this House and recommend the \$45 million bond issue. But here I am.

Now we are taking off \$7 million, in other words we are re-

tiring \$7 million. So if we put on \$15 million in this bond issue we are actually upping our bonded indebtedness some \$8 million and to me that is quite a lot of money. Now if we do this we are actually giving them quite a lot more as you can see and if you have got a pencil right there even with my proposal we are giving them \$18 million, at least, not counting the estimates, \$18,916,000. I would say if we could do this to each and every department that we have to dig around and hunt for funds that we certainly could go home happy and say we gave these people nearly all they asked for and we should have all kinds of services and lots more red trucks and lots more yellow ones and things ought to go along pretty smoothly as far as they are concerned.

But it seems to me that they are trying over there in this department to build up a big surplus and from this they buy equipment and build monuments; they call them buildings but they buy prime property in the town where they build them like they had something to sell and they build very elaborate buildings and dedicate them to somebody, they are more like monuments than they are highway buildings. Now as of April, at the end of April unexpended surplus, they had quite a little bit but I got a late report on it, right here somewhere. Right now in surplus they have had several Council Orders that I just went in to read, they are available for any member of the House to go in the Council Chamber and ask any Councillor to see the Council Orders that the Highway has had just recently. They have now as of May 1st cut their surplus down unexpended to \$177,987. They have done this through Council Orders to be sure they had it all spent so I wouldn't have so much to talk about. So they have got that pretty well spent down now. But I want to do something to save that from getting up to a point of another \$3 million where they will have money to build new highway buildings maybe in Augusta like they have in Bangor and several other places.

So this is just to enlighten you a little bit on some of the things that I know exist, and the cut isn't as bad as it looks if you take a look at the estimates, and it actually would be about \$3 million. I hope the motion prevails and I am sure you will be doing the right thing, because you may be saving the day for them. Because if you put out too many bond issues like was sent from the other corner of the building here once when I was Speaker, that I was cutting with a double bitted axe, but you can take it anyway you want it, I am quite well in touch with the people and I know how they look at these bond issues. And I may say to you here, we may be very well doing them a favor in cutting this sum, it may even be more palatable to the people. If we leave it go as is, they could very well end up with no bond issue. So I hope the amendment that I have offered does prevail.

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

Mr. LEE: Mr. Speaker and Members of the House: I am glad that the gentleman from Enfield, Mr. Dudley, is trying to save us some money, because I think perhaps that is all of our thinking. But I would like to remind you gentlemen and ladies and gentlemen of the House, too, that the Highway Committee went through this, that we recommended a 2 cent gas tax to finance it responsibly. It was the will of the people in the House and the Senate too, that we only adopt one. We had it so we thought we could live with twelve million and a half bond issue, and we were going to pay off 7.8 million in bond issue, so it would be kind of a reasonable program. They didn't pass that, so there is \$9 million we can't count on, so it upped our bond requirements to \$21.5 billion. This is to finance the construction part of our program.

Now I don't want any of you folks to think we are doing this for the Highway Commission. I think the Highway Commission is doing it for us and all the people in the State of Maine.

We need in the first year of the biennium \$8 million of matching funds. Part of this is matched

fifty-fifty which would give us \$8 million more. Part of it is on a ninety-ten basis which would give us this \$8 million—the eight-nine 72 million, so somewhere in between one and the other is the balance of where it would come out. It is all matching funds and this is the construction program, not the maintenance program, not the building of the buildings he spoke about. I have been critical of that too.

Now if you up the estimates, I think any one of you folks that was in the Legislature last session can remember what happened when you up the estimates, and then the estimates don't come in and you are in trouble — serious trouble. You stop your programs. You stop the programs on the highway in the State of Maine. We are oriented to highway travel. We are oriented to highway business. We have got to have highways to get everywhere we want to go. Every one of us realize that we are building roads at about a third of the rate that we should be building them, and then we start to cut our program right in two. This is the construction program that we are talking about, the bonding issue is used for the construction program. I would hope that you would go along with Mr. Wood. I thought he did a good job in describing the different programs that we have increased. We have increased a million and a half to the towns and cities in state aid, and a little more, something like \$400,000 in snow removal, which is a help to the cities. And each one of us is required to help our constituents some, but this bond issue has nothing to do with that. They will have just as many employees, just as many trucks, one thing or another, but the construction program will grind to a halt, and this is what I am afraid of and what I spoke about back when we were talking about the gas tax increase, was if the people do turn down a bond issue, then we are in trouble. And we will have to come back in here I suppose the next Legislature and do it. You can't stop building highways, if you do you are in trouble. Now I wish you would vote against his amendment.

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

Mr. WOOD: Mr. Speaker and Members of the House: I want to remind you of one thing. This \$6.5 million is money that is matched by the federal government fifty-fifty. If this amendment passes, we are cutting back \$13 million in our construction program, not \$6.5 million, but \$13 million in the federal construction program.

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

Mr. McNALLY: Mr. Speaker and Members of the House: Not having found readily figures that would absolutely refute what you have been listening about, \$79 million, but I will call your attention to the fact that you all read the newspapers, and you all read where our former President called a moratorium on federal funds that were brought back into the state. And you all recall that you went and voted for a \$12 million bond issue for the Highway Commission which at the present time has some \$3 million plus that is not expended, and it is also what we are allowing on the next year, providing that the first year funding doesn't have to have as much money as the second year.

Now I suspect that this \$79 million is all brought about when you get figures from certain parties, it is from the fact that there was a moratorium on federal monies that are just beginning to come in, and that is why it looks different than what it is actually going to be when we get done with it.

The SPEAKER: The Chair recognizes the gentleman from Naples, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I must take issue with my good friend, Mr. Dudley, and I highly concur with the other members of the Highway Committee. We have cut the proposed budget by \$14 million, and if this amendment of Mr. Dudley's should go through, it would really throw the Highway budget way out of line. I hope you will vote to indefinitely postpone this amendment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am not going to bore you with a lot of conservation because it pretty much has been laid before you and you have got a chance to think it over. But I will point out the bill, 1579. It has been indicated here that you could only cut it off the federally subsidized programs. I assure you this page 2 there are many places where this could be taken away. And about the estimates, overestimating the estimates someone pointed out here that in the General Fund they upped the estimates and last year I was opposed to it, and I am on the records, I can prove it. They upped the estimates on the General Fund last year some \$4 million and I said it should be cut some \$4 million, and I turned out to be nearer right and no one else had advocated something else. I am going to be nearer right again this time.

I will come back later and tell you that I told you so, but I will tell you once more that this fact that I have got about how much we upped the estimates, how much we underestimated Highway revenue. In the years 1964-1965, this House underestimated the Highway revenue by \$1,226,000 some odd. In 1965 and 1966 we underestimated Highway revenue by \$1,263,000—lots of odd dollars. 1966 and 1967 we underestimated Highway revenue by \$1,467,000—some odd figures. Last year in 1967-1968, we underestimated Highway revenue by \$1,955,000, but the balance, let me tell you what I have already told you just a few minutes ago, through council orders, it has been spent down to where we have got a pretty small figure left of this surplus. By council order they have got it spent down so you have now got \$177,987 in unexpended surplus.

Let me say this, that they do have in Highway surplus \$44,156,000. Most of this is for jobs already started or promised, so you couldn't very well call it unexpended surplus. But it is there

and hasn't been expended, and so I hope the motion does not prevail, and you could be very well doing these people a favor.

The SPEAKER: The pending question is on the motion of the gentleman from Brooks, Mr. Wood, that House Amendment "A" be indefinitely postponed. The Chair orders a vote. All in favor of the motion will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 71 having voted in the affirmative and 51 having voted in the negative, House Amendment "A" was indefinitely postponed.

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

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

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

Tabled — June 23, by Mr. Richardson of Cumberland

Pending — Adoption House Amendment "B" (H-580).

On motion of Mr. Birt of East Millinocket, retabled pending the adoption of House Amendment "B" and specially assigned for tomorrow.

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

Bill "An Act Conferring Upon Others the Powers Now Vested in the Executive Council" (H. P. 1052) (L. D. 1418)

Tabled—June 23, by Mr. Richardson of Cumberland

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: For the reasons previously indicated, I move the indefinite postponement of this bill and all its accompanying papers, and I would inform the members of the House that the order to Legislative Re-

search has been drafted and is in the process of being reproduced and distributed to you. I will offer the order tomorrow.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that item 3, L. D. 1418 be indefinitely postponed. Is this the pleasure of the House?

The motion prevailed.

Sent up for concurrence.

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

Bill "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 and Raising Revenue for Funding Thereof" (H. P. 1281) (L. D. 1608)

Tabled — June 23, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Jalbert of Lewiston to reconsider failure of passage to be engrossed.

Thereupon, the House voted to reconsider failure of passage to be engrossed.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be engrossed and specially assigned for tomorrow.

The following matters appearing on Supplement No. 1.

**Passed to Be Engrossed  
Amended Bill**

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 162) (L. D. 536)

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

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of those of you who have not had an opportunity to suffer through the agonies of the closing days of a session before this year, I would like to call to your attention the fact which is known to all of us who have been here through previous closing moments, and that is that many times a so-called errors and inconsistencies in laws contain

substantive changes in the law. These so-called omnibus bills which are meant to cross a "T" and dot an "I" and add a comma here and make a minor change there, sometimes have a way of containing substantive changes in the law. And this is a very poor procedure to follow, and for my own benefit, I would like to inquire of any member of the Education Committee who may care to answer, whether or not this bill, "An Act to Correct Errors and Inconsistencies in the Education Laws," contains any substantive changes as opposed to purely procedural or minor corrective changes in our education laws?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, poses a question through the Chair to any member of the Education Committee who may answer if they choose, and the Chair recognizes the Chairman, the gentleman from Stonington, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, my answer to the Majority Floor Leader would be in the negative. I do not think that there are any substantive changes in this amendment.

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

The Chair laid before the House a matter tabled earlier and later assigned:

Bill "An Act relating to Jurisdiction and Judicial Divisions of the District Court" (S. P. 468) (L. D. 1526)

Thereupon, the House voted to recede and concur.

The following matters appearing on Supplement No. 2.

**Conference Committee Report**

Report of the Third 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 "B" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "B"; 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 "B" and pass the Bill to be engrossed as amended by Conference Committee Amendment "B" in concurrence.

(Signed)

BIRT of East Millinocket  
PORTER of Lincoln  
STARBIRD

of Kingman Township  
— Committee on part of House.

DUNN of Oxford  
TANOUS of Penobscot

KELLAM of Cumberland  
— Committee on part of Senate.

Report was read and accepted.

The SPEAKER: Is it now the pleasure of the House to recede from passage to be engrossed?

The Chair recognizes the gentleman from Bowdoinham, Mr. Curtis.

Mr. CURTIS: I wonder if some member of the Committee of Conference would give us a rundown on what took place here?

The SPEAKER: The gentleman from Bowdoinham, Mr. Curtis poses a question through the Chair to any member of the House Conference Committee Report to report to the House just what has happened in the Conference Committee Report.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: There were three bills originally introduced in the Legislature relative to presidential primaries. They had one thing in common and that was to put the presidential primary on at the same time in June as the regular state primary.

The Committee Report came out and did not meet with too much success, particularly in the Senate. The first Conference Committee Report was not accepted and a

second Conference Committee appointed. In talking with various people throughout the House, there was some objection to the binding of delegates so that in L. D. 1473, the first paragraph was taken out binding delegates to the national conventions and this is a system that is used in a good many states. In most states the delegates are not bound, that these are preference primaries and indicate to the delegates the thinking of people who vote in the election.

This amendment would put the names of the candidates on the regular primary ballot to be voted on in June. The names will be submitted to the Secretary of State on or before the 15th of April by the Chairman of each political party and if there is a desire for additional — if anybody wishes to write anybody else's name on the ballot they will have a choice. It simplifies the bill a good deal.

The thinking of the Conference Committee was that this would at least bring the presidential primary on to the main ballot and after one trial with it, if further refinements to the bill were desired it could be done. I do believe that this is a step in the right direction. Many states are adopting some form of presidential preference primary. It is my own belief that if the states individually do this it might ward off any attempt for a national primary which I think might be prohibitive because of the cost involved for individual candidates and I would hope that the Conference Committee Report is adopted.

The SPEAKER: The Conference Committee Report has been adopted, for the benefit of the House.

Is it now the pleasure of the House to recede from passage to be engrossed?

The motion prevailed.

The SPEAKER: The Clerk will read Conference Committee Amendment "B".

Conference Committee Amendment "B" (H-591) was read by the Clerk.

Thereupon, Conference Committee Amendment "B" was adopted and the Bill was passed to be engrossed as amended by Conference Committee Amendment "B" in



non-concurrence and was sent up for concurrence.

Senate papers appearing on Supplement No. 2.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committees on Judiciary and State Government jointly on Bill "An Act Providing for Full-time District Attorneys" (S. P. 384) (L. D. 1291) reporting same in a new draft (S. P. 528) (L. D. 1610) under title of "An Act to Provide for Full-time County Attorneys" and that it "Ought to pass".

Report was signed by the following members:

- Messrs. QUINN of Penobscot  
MILLS of Franklin  
VIOLETTE of Aroostook  
WYMAN of Washington  
LETOURNEAU of York  
BELIVEAU of Oxford  
— of the Senate.
- Messrs. MORESHEAD of Augusta  
DANTON of Old Orchard Beach  
BRENNAN of Portland  
HESELTON of Gardiner  
BERMAN of Houlton  
DONAGHY of Lubec  
STARBIRD of Kingman Township
- Miss WATSON of Bath
- Messrs. FOSTER of Mechanic Falls  
HEWES of Cape Elizabeth  
D'ALFONSO of Portland  
— of the House.

Minority Report of same Committees on same Bill reporting same in a new draft (S. P. 529) (L. D. 1611) under title of "An Act relating to Full-time State's Attorneys" and that it "Ought to pass"

Report was signed by the following members:

- Messrs. RIDEOUT of Manchester  
MARSTALLER of Freeport  
DENNETT of Kittery  
— of the House.

Came from the Senate with the Majority Report accepted and the New Draft passed to be engrossed. In the House: Reports were read.

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

Mr. MORESHEAD: Mr. Speaker, I move the acceptance of the Majority Report.

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

The Chair recognizes the gentleman from Eastport Mr. Mills.

Mr. MILLS: Mr. Speaker, I would raise a parliamentary inquiry here. On this legislative document 1611, which we are asked to approve, under Washington County they have reverted back to the old figures that were submitted and defeated here and other figures approved under legislative document number 1564, which makes it in conflict with this document. I wonder if someone can explain how this occurred.

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to any member of the State Government or Judiciary Committee who may answer if they choose. The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: You can readily see from looking over the people who signed Report A and the people that signed the Minority Report — or I should say the Majority Report rather than Report A, and the Minority Report, that there was quite a difference of opinion on these two bills. Now I don't know how the conflict got on L. D. 1611 because I had no part of that particular bill and I would just like to call it to the attention of the House that it would seem to me that L. D. 1610 is the one that we should be concerned with rather than L. D. 1611.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Moreshead of Augusta to accept the Majority "Ought to pass" Report and specially assigned for tomorrow.

**Divided Report**

Majority Report of the Committee on Taxation on Bill "An Act

relating to Assistance to Municipal Assessors" (S. P. 306) (L. D. 999) reporting same in a new draft (S. P. 518) (L. D. 1605) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. MARTIN of Piscataquis  
— of the Senate.

Messrs. FORTIER of Rumford  
ROSS of Bath  
SUSI of Pittsfield

Mrs. WHITE of Guilford

Messrs. DRIGOTAS of Auburn  
HARRIMAN of Hollis  
— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (S. P. 519) (L. D. 1606) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Mr. COTTRELL of Portland  
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Susi of Pittsfield, the Majority "Ought to pass" Report in new draft was accepted in concurrence.

The New Draft was read twice and tomorrow assigned.

#### Final Report

Final Report of the following joint standing Committee:

Judiciary

Came from the Senate read and accepted.

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

#### Non-Concurrent Matter

Report of the Committee on Natural Resources, acting in accord-

ance with Joint Order (H. P. 536), reporting a Bill (H. P. 1275) (L. D. 1603) under title of "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment" and that it "Ought to pass" which Report and Bill were indefinitely postponed in the House on June 19.

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

In the House:

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

Mr. BRAGDON: Mr. Speaker and Members of the House: We debated this bill at some length the other day and voted 74 to 49 to indefinitely postpone it. It now comes to us with an amendment which doesn't change it in any substantial manner. It substitutes the word "contiguous" for fifteen miles. If anyone can tell me what contiguous means, I would appreciate it. I would assume it could be from one end of the state to the other if there wasn't anything else in between. However, anybody can come up with their own. In view of the fact that this was defeated substantially in the House the other day I would move to ask to insist and ask for a Committee of Conference.

Thereupon, the House voted to insist and ask for a Committee of Conference.

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

Messrs. BRAGDON of Perham  
FARNHAM of Hampden  
HARDY of Hope

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.