

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

Wednesday, January 28, 1970

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

Prayer by the Rev. Mr. Lawrence Merckens of Hallowell.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order:

ORDERED, the House concurring, that the Joint Standing Committee on State Government report out to the Senate a Bill relating to interest earned on investments of special state revenue funds (S. P. 637).

Came from the Senate read and passed.

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

Reports of Committees Ought to Pass in New Draft Tabled and Assigned

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Moneys for Necessary Non-recurring Items for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 557) (L. D. 1632) reporting same in a new draft (S. P. 643) (L. D. 1818) under title of "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the New Draft read twice. Senate Amendment "A" (S-399) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the New Draft was read the third time.

(On motion of Mr. Dennett of Kittery, tabled pending passage to be engrossed in concurrence and specially assigned for tomorrow.)

Order Out of Order

On motion of Mr. Bedard of Saco, it was

ORDERED, that Karen Tryman and Kathleen O'Neil of Thornton Academy be appointed to serve as Honorary Pages for today.

Divided Report

Report "A" of the Committee on Education on Bill "An Act Clarifying Laws Relating to the University of Maine" (S. P. 559) (L. D. 1634) reporting that it be referred to the 105th Legislature.

Report was signed by the following members:

Mr. KELLAM of Cumberland — of the Senate.

Messrs. RICHARDSON of Stonington

CHICK of Monmouth

MILLETT of Dixmont

Mrs. KILROY of Portland — of the House.

Report "B" of same Committee on same Bill reporting same in a new draft (S. P. 632) (L. D. 1804) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Mrs. CUMMINGS of Newport

Mr. ALLEN of Caribou — of the House.

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

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

Mr. RICHARDSON: Mr. Speaker, I move that we accept Report "A" and I would speak briefly to my motion.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept Report "A", and the gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen: This was an extremely complicated matter in that it would give the University of Maine the right of eminent domain. The thinking of the majority of the committee which signed the bill to be referred to the 105th Legislature was that

at the present time there is litigation in Portland between the University and some citizens of Portland.

Therefore it would seem that we should let them try and work this out without the right of eminent domain and carry it through to a conclusion. We also felt that the ETV law is covered principally by FCC regulations and that we can do nothing to overcome the FCC regulations.

This is the reason that we felt that we should refer the bill to the next legislature and I would hope that the House would go along.

Thereupon, Report "A" was accepted in non-concurrence and sent up for concurrence.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Labor on Bill "An Act relating to Death Benefit for Parents Under Workmen's Compensation Law" (S. P. 611) (L. D. 1787) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

- Messrs. PEABODY of Aroostook
- TANOUS of Penobscot
- BELIVEAU of Oxford
- of the Senate.
- Messrs. HASKELL of Houlton
- BEDARD of Saco
- CASEY of Baileyville
- McTEAGUE of Brunswick
- of the House

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

Report was signed by the following members:

- Messrs. HUBER of Rockland
- DURGIN of Raymond
- of the House.

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

In the House: Reports were read. On motion of Mr. Huber of Rockland, the Majority "Ought to pass" Report was accepted in concurrence and the Bill was read twice.

Committee Amendment "A" (S-391) was read by the Clerk.

(On motion of Mr. MacPhail of Owls Head, tabled pending adoption of Committee Amendment "A" and specially assigned for tomorrow.)

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Implement the Powers of Municipal Home Rule" (S. P. 555) (L. D. 1630) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

- Mr. TANOUS of Penobscot
- of the Senate.
- Mrs. BAKER of Orrington
- Mr. CUSHING of Bucksport
- Mrs. WHEELER of Portland
- Messrs. COX of Bangor
- SHAW of Chelsea
- NORRIS of Brewer
- of the House.

Minority Report of same Committee on same Bill reporting that it be referred to the 105th Legislature.

Report was signed by the following members:

- Mr. KELLAM of Cumberland
- of the Senate.
- Mr. COTE of Lewiston
- of the House.

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

In the House: Reports were read. The SPEAKER: The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Orrington, Mrs. Baker, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give my reasons for having this bill referred to the 105th Legislature. The last session we passed this home rule bill. It

was all right with me. Then we were told we would be back here at the 105th to lay out the guidelines for this home rule.

I feel that the bill before us, which already has been amended twice in the other body, is not the bill that we should have. I feel that more study is needed so that we will not have chaos as we unleash this monstrosity upon our fifty municipalities who will be affected by this.

It seems to me that this Legislature could come out with a real good home rule bill and I maintain that this is not it; and this is my reason for signing a minority report. I hope that when the vote is taken, and I call for a division, that you will vote against the acceptance of the majority report of the committee.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that you have before you is the work of the Intergovernmental Relations Commission, of which you have four members in this House that belong to the Commission itself: the gentleman from Belgrade, Mr. Sahagian; the gentleman from Fairfield, Mr. Lawry; the gentleman from Portland, Mr. D'Alfonso; and myself.

Now you may feel that there is no haste in this, but there is now and I will try to explain why. As you well know the people of the state approved the home rule provision as an amendment to the Constitution by a two to one margin last November. And so it became the job of the Intergovernmental Relations Commission to work out a home rule guideline which would then be approved by this Legislature and would then be used by the communities.

Let me give you this reason why we cannot delay, and I will quote from a letter from the Attorney General's office written in relationship to the amendment itself.

"Article VIII-A of the Constitution authorizes the inhabitants of a municipality to alter and amend their charter on all matters not prohibited by constitution or

general law. The legislature shall set up the procedure.

It is necessary to bear in mind that the Constitution creates a limitation upon the authority of the legislature to act in a matter on which the Constitution has spoken. Therefore, it is quite apparent that the legislature no longer has authority to act in the matter of altering and amending charters of municipalities."

Signed by George West, Deputy Attorney General.

Now if we do not pass home rule in this session what it means very simply is that municipalities will not be able to make any changes whatsoever in their charter until the Legislature sets up the guidelines under which home rule is to be conducted. This bill does that and I think by the two amendments from the other body we have made it more workable and we have satisfied what I thought was the objections of the majority of the opponents, and this was that very few people would have been in a position to vote on the amendment. We have taken care of that by saying that at least 30 per cent of the people in the community will have to vote either for or against the issue for it to be effective and for it to amend the existing charter, or for a new charter to go into existence.

And so I would hope, Mr. Speaker and ladies and gentlemen of the House, that we would not refer this to the 105th and that we would this morning accept the majority report of the committee.

The SPEAKER: All in favor of accepting the Majority "Ought to pass" Report in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken. 112 having voted in the affirmative and 9 having voted in the negative, the motion prevailed.

The Bill was read twice. Committee Amendment "A" (S-390) was read by the Clerk.

Senate Amendment "B" to Committee Amendment "A" (S-406) was read by the Clerk and adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "B" thereto was adopted in concurrence.

Senate Amendment "A" (S-405) was read by the Clerk and adopted in concurrence.

The SPEAKER: Is there objection to the rules being suspended that this Bill shall have its third reading at this time?

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am accepting the concept of this bill. I feel, however, that this measure has been—

The SPEAKER: Is the gentleman objecting?

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

The SPEAKER: Does the gentleman object to having this assigned for third reading tomorrow morning?

Mr. JALBERT: I do, Mr. Speaker.

Thereupon, the Bill was assigned for third reading tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Jurisdiction of District Court in Divorce Actions" (H. P. 1337) (L. D. 1666) which was passed to be engrossed as amended by Committee Amendment "A" in the House on January 26.

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

In the House: On motion of Mr. Berman of Houlton, the House voted to insist and ask for a Committee of Conference.

**Non-Concurrent Matter
Tabled Later in the Day**

Bill "An Act Amending the Municipal Public Employees Labor Relations Law" (H. P. 1410) (L. D. 1776) which was passed to be engrossed as amended by Committee Amendment "A" in the House on January 26.

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

In the House:

(On motion of Mr. Huber of Rockland tabled pending further

consideration and later today assigned.)

Non-Concurrent Matter

Bill "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court" (H. P. 1432) (L. D. 1805) which was passed to be engrossed in the House on January 22.

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

In the House: On motion of Mr. Marstaller of Freeport, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Repealing the Property Tax Certificate Requirement for Registration of Watercraft" (H. P. 1441) (L. D. 1816) which was passed to be engrossed as amended by House Amendment "A" in the House on January 27.

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

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

Non-Concurrent Matter

Bill "An Act Creating a Commission to Study Means of Increasing the Effectiveness and Capability of the Maine Legislature" (S. P. 604) (L. D. 1784) which was indefinitely postponed in non-concurrence in the House on January 27.

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 Conferencees appointed on its part:

Messrs. LOGAN of York
STUART of Cumberland
MINKOWSKY
of Androscoggin

In the House:

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

Mr. DENNETT: Mr. Speaker, I move that we adhere to our former action where we indefinitely postponed this bill.

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

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

Mr. RICHARDSON: Mr. Speaker, I would move that the House further insist and join a Committee of Conference, and I would like to speak briefly to that motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson, moves that the House insist on its former action and join a Committee of Conference. The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen: I see no reason for us to be warlike about this. I would like to give the sponsor of this legislation, a member of the other body — and I am not trying to influence the House's vote, Mr. Speaker — an opportunity to at least allow this bill to be discussed in the calm light of day. I would hope that the Speaker might find it in his heart to appoint the gentleman from Kittery, Mr. Dennett, to the committee as one of those voting on the prevailing side.

I don't want us to use our friends in the other branch in a bad way or summarily.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion made by our most eminent majority floor leader. I really feel quite for him, but ladies and gentlemen of this House, this is a special session of this Legislature and particularly in view of what happened yesterday, where this bill was indefinitely postponed by a tremendous majority, I can see no reason why we should continue to horse around sending these things back and forth between the houses.

Now I know there is such a thing as courtesy and I like to be courteous to all — in fact I regard the sponsor of this bill as a personal friend and I assure you that my feeling here this morning in no way affects our friendship. But I think

that we should be considerate of all the members of the body and not continually play these delaying actions which I assure you would be of no consequence and would only tend to delay final adjournment.

If the motion to insist is defeated, I would hope that you would accept the motion to adhere and finally dispose of this monstrosity.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to join the gentleman from Kittery, Mr. Dennett. I think that the resounding vote of this body yesterday would indicate that a Committee of Conference would be just a courtesy gesture and futile and I think that it would take up a lot of useless time of this very valuable body, and I am sure that the gentleman from Cumberland, Mr. Richardson would join me in that philosophy.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I would like to join with the gentleman from Kittery, Mr. Dennett in the motion to adhere. I don't really think that we have to study the effectiveness or noneffectiveness of the legislature. I think most of us know what the problems are. I think what we need is the will to change it; not more studies.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson, that we insist and join a Committee of Conference. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 109 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

Joint Order re a proposed State Liquor Store in the Town of Lubec (H. P. 1437) which was referred to the Committee on Ap-

propriations and Financial Affairs in the House on January 22.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Kelley of Machias, the House voted to insist and ask for a Committee of Conference.

Orders

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

Mr. BRAGDON: Mr. Speaker, I would inquire if L. D. 1689 is still in the possession of the House.

The SPEAKER: The answer is in the affirmative. Bill "An Act relating to the Taxation of Farm Machinery," House Paper 1360, L. D. 1689, which failed passage to be engrossed on yesterday.

Mr. BRAGDON: Mr. Speaker and Members of the House: This is the bill to exempt farm machinery to the amount of \$5,000 taxation. This has had a long stormy session here and we have amended it, taking out tractors and self-propelled equipment. We have taken out equipment. We have placed the exemption of \$5,000 on the basis of actual value in place of the assessed value, which equalizes the difference between various municipalities, which was objected to in some quarters.

Now all that is left of this bill is the farm machinery used exclusively in the production of hay and field crops. Even in this much abbreviated form I feel that this bill is very desirable to a certain group, a group of our farmers in our state. I hope that you will at this time soften your hearts and see fit to give us what is left of the bill.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the gentleman from Perham, Mr. Bragdon. Formerly a selectman in my town, I realize the problems that we had in trying to put a value on much of this farm machinery, and the imposition it was to go in to a farmer and look at a plow that he used once or twice in a year, or mowing machine, or

other equipment and such, and tell him that we were going to have to put a tax on it.

I think by the passage of this measure that we can eliminate much of the confusion that results from that. I have checked with the Farm Bureau which has a membership of 2,700 members throughout this state, and with the Chairman of the Grange in this state, which represents thousands of rural people, and they are in support of this bill. So I would ask your support for it.

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

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: Many farmers have to maintain a large inventory that they use only approximately five months of the year. And it is quite a burden to have to pay taxes on all of that, especially the way that the Taxation Bureau has come out and said every little piece of machinery has to be taxed.

Well now I know of a lot of these farmers that are getting along in years, have retired. Yet they maintain some of their equipment, their tractor, which probably is old. They have the equipment to go with it. They raise a little patch of vegetables and sell them beside the road. They are on Social Security. It is hard work for them to get by, and they do this to help out a little.

If they have to pay a tax on all of this equipment that they own it is going to be a hardship. And besides, we have a great many of our crop farmers that are having a very tough time to maintain even their farm, without being taxed on all of their equipment they only use about five months of the year. And I urge you to vote for this bill, which is really needed by the farmers.

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

Mr. SUSI: Mr. Speaker, a question. What is the motion before the House now, please?

The SPEAKER: The Chair understands that the gentleman from Perham, Mr. Bragdon, moved that the House reconsider its action of

yesterday whereby this bill failed passage to be engrossed.

Mr. SUSI: May I speak to the bill now?

The SPEAKER: The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: The Taxation Committee has very aptly been called the "Exemption Committee." That is about the truth. We listen each session to scores of bills asking for exemptions, and what is amazing is how many of these bills have a real valid basis of fact.

I won't go into the merits of this particular bill, and it certainly has merits as most of these exemption bills do have. But I would hope that you would stand firm and protect the base on which the municipalities operate — in my opinion a very limited base, and one which we can't afford to whittle away at. I think the real impact of this bill would be not so much the dollar effect of this bill itself, but the effect that it will have on coming sessions when those who flood in here asking for exemptions under real estate and personal property taxation at the local level would use this as a precedent to open the gates really farther and making a serious, serious problem in the field of local taxation. Thank you.

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

Mr. FORTIER: Mr. Speaker and Ladies and Gentlemen of the House: As some of you may remember, I have, since I am here, consistently opposed these exemptions. I felt that the farmers in this case were asking for a handout. They were asking for preferential treatment as compared with other businessmen.

With this amendment here I think this has altered the picture completely. This is not a handout, this is not a subsidy, this is not charity. We are asked to rule on the equity of a tax. We are faced with a situation where an item is used not five months out of the year, but hardly five days out of the year.

The law so far has made no provision to differentiate between a

farmer who has equipment, such as in dairy and poultry raising, and other endeavors that they use the equipment 365 days a year. But in the case of hay and field crops, most of that equipment is used only a very few days. I do not feel that this is a handout. I do not think it is a charity. I do not think either that it opens the door for other abatements later on, because it is not an abatement properly said. It is simply applying principles of justice. And I do hope that you will support Mr. Bragdon in his motion.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I have to continue to oppose my good friend, Mr. Bragdon. My opposition to this bill basically is that the problem is much larger and more significant than it appears on the surface, and the solution that we are attempting here is a poor solution, and only a partial solution.

The assessment of farm equipment, as farm equipment becomes increasingly more expensive, becomes a very significant factor, and one that deserves much more comprehensive legislation than we are concerned with here.

Now I have a few figures here that I think perhaps will support my position that this does warrant much more comprehensive legislation than is here proposed. These figures are from Aroostook County, they are the total assessed valuation of farm equipment in some selected towns. In the City of Presque Isle currently there is \$775,000 worth of farm equipment; in Caribou, \$600,000; Fort Fairfield, \$578,000; in Mars Hill, \$364,000; and Mapleton is \$454,000. Now this is the assessed valuation.

Now the percentage of the total valuation which this represents becomes rather a significant factor. In Presque Isle it is nine tenths of one percent; Fort Fairfield it is the same; in Limestone it is 1.6; in Mars Hill it is 2.6; Mapleton is 2.9. So we are concerned here with quite a significant factor in the total budget of the towns involved.

My position now is, and has been, that this is a serious proposition, it does warrant much more comprehensive legislation than is considered here, and for this reason I would hope that the motion might not prevail.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I agree wholeheartedly with the gentleman from Houlton, Mr. Haskell, that this does need much more thought than has been given to it in this bill. However, this is a beginning, and is much needed relief that would help until this thing can be settled in the proper way. I hope you will go along with this motion.

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

Mr. FORTIER: Mr. Speaker and Members of the House: I would like to correct an impression which might have been left to the House here in regards to some figures in records to the assessment of farm equipment in Aroostook County. I am sure that Aroostook County has a lot of very expensive equipment, such as cultivators, diggers, and so forth. You will notice that this amendment excludes all self-propelled appliances, which I am sure would cover by far the greatest part of this valuation in Aroostook County.

I would also like to call to your attention that throughout the state there is a very large portion of our municipalities who have chosen voluntarily against the law not to assess this property, and consequently I feel that we would simply be legalizing a custom which has been going on for hundreds of years. So together with the fact that the actual exemptions would be minute compared with the overall picture of the evaluation of farm property in this state, the fact that most of our municipalities in practice have already done it, I do hope you will support the motion.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the

House: I would like to make just one further observation. I would concur that the dollars and cents effect would be minute. I don't think that it would make that much difference. But, and this is a matter of judgment, I think that the effect that it would have in years to come on the Legislature, when it is pointed out that exemptions were made here in other exemption bills, this effect will be felt, and I think to the detriment of the financing of our communities. I hope that you would vote against the reconsideration. Thank you.

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

Mr. EVANS: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe that any future Legislature would have any idea of voting the way we do unless they felt it was perfectly honest, and should be that way. And I don't think our voting here today would influence any future Legislature. They would decide everything on its own merits, and I don't see where this would have any effect whatsoever. That looks like a red herring being dragged across the trail.

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

Mr. GILBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am 58 years old. I have got five youngsters. I am bragging, that's right. Three of them have graduated from college, and the other two are going to. Now I have always tried to be honest, but last town meeting I got drafted to be a town tax assessor. And I immediately became a villain, and I am ashamed to tell you so, because we were supposed to tax these old farm machinery that we are trying to get out, and we didn't.

Now the year before, the State Tax Assessor scared the boys that were on the board so bad that they pretended to, and then they resigned. One of them run out, a second one resigned, so that made two. And they didn't want somebody who had never been in public

office, so I took the chairman's place for one year.

Well now 75 percent of the communities don't tax this. And the year before, when the boys did tax it, they didn't know just what to do and how to do, and they went to the State Tax Assessor. He agreed to dig them up some guidelines, and after he had been out in the field and looked the machinery over, he threw up his hands in disgust and he said, "I can't produce them, I don't know what to do."

Now the State Tax Assessor is supposed to uphold this also, but he is in the same boat that the local assessors are. He doesn't know what to do with it; he doesn't know how to value it. We don't know how to value it, so anything we do is wrong.

No one is losing any valuation. I am looking at this as a point to get these assessors like myself, who would like to be honest, back inside the law. And this is the most that it is going to accomplish. I don't think that anyone is going to lose any money.

And I am sure that the year before when the boys taxed it in Turner that the rest of the taxpayers got hurt, because the most of my boys are dairy farmers, and so the dairy boys said, "Well, all right, you just tax the machinery, but you always overvalued our cattle, you just knock \$10 off the head of every cattle we have here." And they did. And they lost more valuation on the cattle than they gained on the machinery.

So last spring the boy that was left, he thought we ought to do it again. I said the State Tax Assessor has howled that ever since I have been old enough to know what he was talking about. He never has prosecuted anybody for it. It is a lot easier for me to count cows than it is to try to estimate what that worthless machinery is worth. And so we didn't tax it. We put the cows up \$10 a head. And the boy on the farm got blistered again, but he likes it and we like it. I hope that you will vote with Mr. Bragdon and reconsider and pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Frankfort, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill has bothered me a little from the start, being a farmer and living among them for some time. I think maybe I can see some of the ramifications it might have.

To begin with, the gentleman from Turner, Mr. Gilbert, I think is mistaken when he says it will help the assessor, because there is a limit on how much on the valuation that you can be excused from. And if you don't ever assess the property, then how do you come to know whether you have exceeded the \$5,000 or not? But the logic behind this bill reminds me somewhat of the young man who was doing a tour of duty with Uncle Sam, and he fell out for inspection one morning. His pant legs were about half way to his knees. The inspecting officer said, "Young man, isn't there something you can do to those pant legs? They look rather bad." He said, "Sir, I have cut them off three times and they are still too short."

So this is about what we are trying to do with the property tax base. The biggest trouble with it is the base is too narrow already, and it makes the tax too high. If we keep on, and to start in now to hack away at the tax base, then it is going to be worse instead of better. Thank you.

The SPEAKER: If you are in favor of reconsideration of House Paper 1360, L. D. 1689, Bill "An Act relating to the Taxation of Farm Machinery," which failed passage to be engrossed on yesterday, you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 50 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question is the passage to be engrossed as amended of L. D. 1689. The Chair will order a vote. All in favor of this Bill being passed to be engrossed as amended will vote yes; those opposed will vote no.

A vote of the House was taken. 79 having voted in the affirmative and 47 having voted in the negative, the Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

House Reports of Committees Report on Joint Order

Report of the Committee on Appropriations and Financial Affairs on Joint Order (H. P. 1443) re the Committee on Appropriations and Financial Affairs reporting a Bill relating to Appropriations for School Subsidies reporting that the Joint Order is not within the purview of the Committee.

Report was read and accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act Requiring Bonds to Insure Performance of Waste Discharge License Provisions" (H. P. 1421) (L. D. 1789) reporting same in a new draft (H. P. 1445) (L. D. 1821) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY	of Cumberland
SEWALL	of Penobscot
REED	of Sagadahoc
	— of the Senate.
Mrs. BROWN	of York
Mr. CURRAN	of Bangor
Mrs. COFFEY	of Topsham
Messrs. JAMESON	of Bangor
EUSTIS	of Dixfield
	— of the House.

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

Report was signed by the following members:

Messrs. SNOW	of Caribou
HARDY	of Hope
	— of the House.

Reports were read.

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

Mr. SNOW: Mr. Speaker, I move that we accept the Minority Report, and I would speak to my motion.

The SPEAKER: The gentleman from Caribou, Mr. Snow, moves

that the House accept the Minority "Ought not to pass" Report, and the gentleman may proceed.

Mr. SNOW: Mr. Speaker and Members of the House: The reason that I find myself in this position of being on the minority side of this issue is that I feel if this board has the right to license, that this is unnecessary, this bonding procedure. I feel that in case, with the bonding procedure, of a failure of an applicant, there is no provision for the commission to handle this money, or to build such a facility. I feel that it is absolutely unnecessary.

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

Mrs. BROWN: Mr. Speaker and Members of the House: In support of the majority report it is my understanding when the Water Improvement Commission talked to us about this bonding procedure, that this is permissive. Under our statutes now the commission can grant licenses.

They gave us an example of an older industry that has to come in and have a license granted, but the discharge that would be coming from this older thing does not ensure that it will live up to the classification of the river. Therefore they can't grant this license. They want this bonding permission, they feel if they were allowed to bond them then they would have some protection that these people were going to do something to correct a situation.

They feel that with a new industry that the license that is being granted would already require them to live up to this classification problem. I feel that this is a necessary tool for the commission to help some of these industries to not have to be closed down because they can't grant them a license.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I have to agree with the gentleman from Caribou, Mr. Snow, that this is unnecessary. This is a piece of legislation that makes the effort to do business that much

more expensive all the time, and I would like to point out to the members of the House that this applies also to your town and mine. I would also like to point out to the House that if you build a million-dollar plant and you have to go get the bond, you have got a million dollars left to build the facility, but the bonding company is going to insist on a cash bond, so that you have got to use all the cash that you had to build the facility in order to get the bond; so there you are out of business.

And I think this is unnecessary at this time. The commission has the right and the prerogative to grant licenses. And if they don't stand up to standards of the finest kind then they don't get it.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I introduced this piece of legislation on behalf of a task force on environmental control. And there are two basic reasons why this was suggested, and I think if you look at the two reasons you will find it would help both the industry and also help to control pollution.

Now, for example, let's just take the case of the closing of the mill in Lincoln. When that closed there was no longer the grandfather clause which applied. And so, in effect, when they went in for a license it was either to be granted on the existing laws, and no type of time limit could be given in order for them to make the necessary adjustments to correct the problem of pollution which obviously existed in the old mill.

Now what this would do is not to require a bond on the entire value of the plant, but instead would require a bond on the amount of the project that would be necessary to control the pollution problem. And let us assume you have a million-dollar plant, and it is going to cost \$100,000 to control pollution. Then the commission could require — could require — a bond of \$100,000 to be recoverable by the company if they do what they said they would do. And then the com-

mission would be in a position to grant them a license.

If they would not do what they said they would do in a two-year period, then the commission could then cash in on that bond and have the work done so that the pollution would then stop.

Now I think if we are really interested in controlling the problem of water pollution, then I think this is one additional step that we must take, and we should take.

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

Mr. RICHARDSON: Mr. Speaker, I would like to pose an inquiry through the Chair to the gentleman from Eagle Lake, Mr. Martin, and it is this. As I understand it, the Environmental Improvement Commission has the right to grant licenses based on conditions, that is they can grant a license on a showing of certain plans, or on some provision. Is there anything in our law that prohibits the commission from imposing as a condition on the granting of a license a showing by the applicant first of all of his pollution plans, what he intends to build, and also is there anything that would prohibit the commission from requiring the applicant to show that he had the financial resources, the financial backing necessary to meet his commitments under the order for the licensing?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Cumberland, Mr. Richardson, is correct. The commission can impose conditions under which a license will be issued. But the bug comes once a plant has been operating for a two-year period and the plant does not do what it said it was going to do, then the commission is faced with the problem of simply closing it down, which then gets to be a "political" problem. And it is rather embarrassing for the commission to tell the plant they

are going to close because they haven't done what they said they were going to do. And the fear is that they simply would not do it. And this is why, if they had this bonding power, then they would be in a position to simply cash in on the bonds and get it done.

Mrs. Coffey of Topsham requested a roll call.

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

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

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

Mr. HARDY: Mr. Speaker and Members of the House: I would like to take this opportunity to point out just once more, the committee in its work down there determined the fact that the bonding companies were going to insist on cash for this bond. In other words, the way the thing is set right now you have got to put your "green" down before you can get your performance bond. And a lot of these companies just do not have that extra money to buy that bond at the moment.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Snow, that the House accept the Minority "Ought not to pass" Report. If you are in favor of accepting the Minority Report, you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Barnes, Benson, Bragdon, Buckley, Bunker, Carey, Carrier, Casey, Chick, Cote, Cox, Curtis, Cushing, D'Alfonso, Donaghy, Durgin, Dyar, Erickson, Evans, Farnham, Foster, Hall, Hanson, Hardy, Haskell, Heselton, Hewes, Johnston, Kelley, K. F.; Lawry, Lewis, Lincoln, MacPhail, McNally, Meisner, Moreshead, Mosher, Norris, Noyes, Page, Pratt, Quimby, Richardson, G. A.;

Sahagian, Shaw, Sheltra, S n o w, Thompson, Williams.

NAY — Allen, Baker, Bedard, Berman, Bernier, Birt, Boudreau, Bourgoin, Brown, Burnham, Carter, Chandler, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cottrell, Couture, Crommett, Crosby, Croteau, Cummings, Curran, Danton, Dennett, Drigotas, Dudley, Emery, Eustis, Faucher, Fecteau, Fine-more, Fortier, A. J.; Fraser, Gilbert, Giroux, Harriman, Hawkens, Henley, Hichens, Hunter, Immonen, Jalbert, Jameson, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Lewin, Lund, Marquis, Marsteller, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, Morgan, Nadeau, Ouellette, Payson, Porter, Rand, Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Santoro, Scott, C. F.; Starbird, Stillings, Susi, Temple, Tyndale, Vincent, Wheeler, White, Wood.

ABSENT — Binnette, Brennan, Dam, Fortier, M.; Gauthier, Good, Goodwin, Huber, Lee, Scott, G. W.; Soulas, Tanguay, Trask, Waxman, Wight.

Yes, 49; No, 86; Absent, 15.

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

Thereupon, on motion of Mr. Martin of Eagle Lake, the Majority "Ought to pass" Report was accepted and the New Draft read twice. Under suspension of the rules the New Draft was read the third time.

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

Mr. HARDY: Mr. Speaker, perhaps I was a little slow. I have House Amendment "A" to this bill that I would like to offer at this time.

Whereupon, the gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-666) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, I wonder if the gentleman from Hope, Mr. Hardy, would explain the amendment?

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: Thank you. This is the same amendment that the milk dealers were presented with last year, and this does give the commission the "may" concept to take other securities in the event that they have to have this bond. You do notice, it is a "may accept in lieu."

Thereupon, House Amendment "A" was adopted.

On motion of Mr. Farnham of Hampden, tabled pending passage to be engrossed as amended and specially assigned for tomorrow.

Passed to Be Engrossed

Bill "An Act relating to Property Tax Administration" (S. P. 644) (L. D. 1819)

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

**Passed to Be Enacted
Emergency Measure**

An Act relating to Clarification of Release and Discharge from Commitment after a Finding of Not Guilty by Reason of Mental Disease or Mental Defect (H. P. 1384) (L. D. 1733)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Rate of Interest on Real Property Taxes (H. P. 1335) (L. D. 1664)

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

Enactor

Tabled Until Later in the Day

An Act to Extend Medical Assistance to the Medically Indigent (H. P. 1397) (L. D. 1753)

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

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted, and later today assigned).

An Act relating to Licensing of Ambulance Service, Vehicles and Personnel (H. P. 1430) (L. D. 1800)

An Act to Provide for Black Fly Control (H. P. 1433) (L. D. 1806)

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.

Orders of the Day

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

Bill "An Act Adjusting Salaries of Certain Unclassified State Personnel" (S. P. 590) (L. D. 1745)

Tabled — January 27, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and later today assigned.

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

An Act relating to Rules and Regulations for the Protection of Health and Safety (H. P. 1311) (L. D. 1625)

Tabled — January 27, by Mr. Temple of Portland.

Pending — Passage to be enacted.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: There seems to be a little misunderstanding as to the purpose of this bill, and very briefly I will try to explain it to you.

The regular session of the 104th established an Occupational Safety Rules and Regulations Board to promote the industrial safety of

Maine workers. The Department of Labor and Industry, under the old law, attempted to ensure this safety by enforcing a very general standard that said working conditions should "be reasonably safe and not in such condition as to be hazardous to the employees engaged therein." This was an impossible task. The Occupational Safety Rules and Regulations Board makes the job possible because of its power to issue specific rules and regulations describing safe working conditions.

However, the establishment of this Board has created some uncertainty about which agency of state government is responsible for protecting the health of the employees working in industrial establishments. Under a law passed in 1967, the Department of Health and Welfare has authority to issue such rules and regulations as it thinks are necessary for the "protection of health of employees of industrial establishments and places of employment." The Department has become increasingly involved in this regulatory activity since 1967. But the law creating the Occupational Safety Rules and Regulations Board, at several places, refers to the Board's power to adopt rules and regulations "for safe and healthful working conditions . . ." Now the question has arisen whether the passage of the law establishing the Occupational Safety Rules and Regulations Board was intended by the Legislature to repeal the authority of the Department of Health and Welfare to issue and enforce regulations for protection of the health of employees of industrial plants.

I don't think the Legislature has recognized that the problems over the authority to regulate industrial health matters would result from the establishment of the Occupational Safety Board. This bill is designed to clear up the confusion and makes quite clear that the authority to issue regulations relating to health hazards in industrial establishments remains within the Department of Health and Welfare.

The bill further indicates the kind of health matters covered —

such things as drinking water, eating facilities, sewage disposal and control of communicable diseases. These examples of health matters covered all relate to the environment of the working man, those surrounding conditions which affect his health as he works, but which are not part of the work process itself. These latter problems, such things as appropriate protective equipment on machines, are properly within the jurisdiction of the Department of Labor and Industry and the Occupational Safety Board.

I hope I have cleared up some of your questions.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 99 voted in favor of same and 15 against, and accordingly, the Bill failed of enactment as an emergency measure.

Sent to the Senate.

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

An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants (S. P. 576) (L. D. 1703)

Tabled — January 27, by Mr. Marsteller of Freeport.

Pending — Passage to be enacted.

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

Mr. Dyar of Strong was granted permission to address the House.

Mr. DYAR: Mr. Speaker and Members of the House: It is quite evident that half a dam is better than no dam at all. The gentleman from Durham, Mr. Hunter, brought to our attention yesterday that David Rockefeller was paying 10 percent interest to borrow \$30 million, the Town of Freeport had recently borrowed money at 7.74 percent. I was very relieved last night to read in yesterday's Lewiston Sun that the Town of Durham had been able to borrow monies in anticipation of the 1970 tax anticipation at the rate of 4.95 percent interest.

By unanimous consent, the foregoing papers were ordered sent forthwith to the Senate, with the exception of item 2, L. D. 1625.

On motion of Mr. Soulas of Bangor.

Recessed until three o'clock in the afternoon.

**After Recess
3:00 P.M.**

The House was called to order by the Speaker.

The following paper appearing on Supplement No. 4 was taken up out of order:

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Appropriating Funds to the Department of the Attorney General" (H. P. 1364) (L. D. 1713) reporting that the House recede from recommitting the Bill to the Committee on Appropriations and Financial Affairs.

(Signed)

BROWN of York
HEWES of Cape Elizabeth
JALBERT of Lewiston

— Committee on part of House.
SEWALL of Penobscot
BERRY of Cumberland
DUQUETTE of York

— Committee on part of Senate

Report was read and accepted and sent up for concurrence.

The House voted to recede from recommitting the Bill to the Committee on Appropriations and Financial Affairs.

The following papers from the Senate appearing on Supplement No. 1 were taken up out of order by unanimous consent.

Ought to Pass in New Draft

Report of the Committee on Natural Resources on Bill "An Act Prohibiting Dumping of Out-of-State Waste Matter" (S. P. 553) (L. D. 1628) reporting same in a new draft (S. P. 645) (L. D. 1820) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment
Passed to Be Engrossed**

Report of the Committee on Judiciary on Bill "An Act relating to Judicial Divisions of the District Court" (S. P. 585) (L. D. 1712) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-395) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

The following papers appearing on Supplement No. 2 were taken up out of order:

**Paper from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act relating to Hours of Sales in Retail Stores under Liquor Laws" (S. P. 575) (L. D. 1702) reporting that they are unable to agree.

(Signed)

Messrs. BERRY of Cumberland
CONLEY of Cumberland
—Committee on part of Senate.
HICHENS of Eliot
FINEMORE

of Bridgewater
HAWKENS of Farmington
—Committee on part of House.

Came from the Senate with the Report rejected and that body voting to further insist and asking for a second Committee of Conference, with the following Conferencees appointed on its part:

Messrs. BERRY of Cumberland
 BOISVERT
 of Androscoggin
 CONLEY of Cumberland
 In the House: Report was read.
 On motion of Mr. Hichens of
 Eliot, the Conference Committee
 Report was accepted.

**House Reports of Committees
 Ought to Pass in New Draft
 New Draft Printed**

Passed to Be Engrossed

Mr. Scott of Wilton from the
 Committee on Business Legislation
 on Bill "An Act Creating the Maine
 Insurers Insolvency Pool Act" (H.
 P. 1420) (L. D. 1788) reported
 same in a new draft (H. P. 1446)
 (L. D. 1822) under title of "An
 Act Creating the Maine Postassessment
 Insurance Guaranty Association"
 and that it "Ought to pass"
 Report was read and accepted
 and the New Draft read twice.

Under suspension of the rules,
 the New Draft was read the third
 time, passed to be engrossed and
 sent to the Senate.

The following Communication:
 STATE OF MAINE
 SENATE CHAMBER
 AUGUSTA

January 28, 1970

Honorable Bertha W. Johnson
 Clerk of the House of Represent-
 atives
 104th Legislature
 Dear Madam Clerk:

The Governor returned to the
 Senate: Bill, An Act Repealing
 Provision for Student Tuition in
 Coordination of Public Higher Ed-
 ucation. (S. P. 565) (L. D. 1640)
 together with his objections to
 the same. The Senate proceeded
 to vote on the question: Shall the
 Bill become a law notwithstanding
 the objections of the Governor?

According to the provisions of
 the Constitution, a yea and nay
 vote was taken. 17 Senators having
 voted in the affirmative and 13
 Senators having voted in the nega-
 tive, the Bill accordingly failed
 to become law, and the veto was
 sustained.

Respectfully,

(Signed)
 HARRY N. STARBRANCH
 Secretary of the Senate

The Communication was read.

The SPEAKER: The Chair rec-
 ognizes the gentleman from Houl-
 ton, Mr. Haskell.

Mr. HASKELL: Mr. Speaker
 and Members of the House: This
 veto message which is contained
 in the Senate calendar which is on
 your desks, I would like to make a
 comment or two on it. Among
 other material the Governor says
 "The University of Maine faces
 serious financial needs principally
 because of insufficient legislative
 appropriations coupled with in-
 creased members of Maine youth
 wishing to pursue a college edu-
 cation."

I would like to point out that this
 interpretation certainly can be
 viewed from another point of view.
 This is concerned primarily with
 the tuition levels at the so-called
 state universities, Presque Isle,
 Farmington, Washington State and
 Fort Kent. We have involved in
 these schools some 3,884 students.
 The tuition level at the present
 time at these schools is approxi-
 mately \$140 a student under na-
 tional averages. I think a little
 multiplication will show you that
 currently somewhere in the vicini-
 ty of \$1 million a year is involved
 here in tuition charges which are
 below the national experience. So
 I would submit that contrary to
 being insufficient legislative ap-
 propriation, as a matter of fact,
 we have here a legislative over-
 appropriation contrasted with na-
 tional experience of somewhere
 around a million dollars a year.

Further on in the same para-
 graph, the Governor says that such
 a move — and the move talked
 about here is returning to the
 Board of Trustees at the Univer-
 sity of Maine their legitimate pre-
 rogative of establishing tuition
 levels, would establish a dangerous
 precedent, contrary to this move
 which is perfectly legitimate, and
 perfectly in accord with all rec-
 ognized national experiences in
 the field of public higher education.
 As a matter of fact, the dangerous
 precedent that is being established
 is that we have here, in my view,
 a usurpation by the Chief Execu-
 tive of the legitimate authority
 that belongs to the Board of Trus-
 tees of the University of Maine.

On the second page of the Senate Journal I find a rather amazing statement in which the Governor said, "I have agreed to consider this proposed method of financing" which was a modest tuition increase at the state colleges, "so long as the Legislature appropriates a substantial supplemental amount of money to operate the University of Maine during the second year of the biennium."

Now I would submit that this statement probably is without parallel in favor of public higher education. When you have a Chief Executive saying in effect that he is going to exercise a veto power over the exercise by the Board of Trustees of the University of Maine in the field of tuition policy, and this is it very clearly. It is spelled out. The dangerous precedent is here, and in my view, it is time for the Board of Trustees of the University of Maine, or their representatives, to make it perfectly plain to all concerned that the time has come when the areas of responsibility are clearly spelled out between the Legislative, the Executive and the Board of Trustees of the University.

This gets down to a very basic, a very important area, an area that can well determine the course of higher education in the State of Maine in the years to come. I think the time has arrived that the University Board should make it very clear that they recognize the tuition area as their responsibility and that it is clearly recognized that the tuition area and the scholarship level area is also their responsibility, and that these areas are not a proper concern for legislative action or Executive action.

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

Mr. JALBERT: Mr. Speaker and Members of the House: To clarify what has now become to some of us possibly, through the remarks of the good gentleman from Houlton, Mr. Haskell, I might state that it was my understanding that the Chief Executive's wish was to have this bill recalled and placed on the appropriations table waiting to see what the action

would be on subsequent funds that would assure a good and larger Maine resident enrollment. Certainly I would have favored this procedure over the veto which is now before us, and which I would uphold.

However, it might be suggested that we would wait to see subsequent legislation which may come out of the Appropriations Committee which might clarify the situation both insofar as this vetoed L. D. is concerned, and as far as the appropriations amount is concerned.

I think that if stones are to be thrown they might be aimed in the proper direction.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, what the gentleman from Houlton, Mr. Haskell, has brought before you might very well be true in its entirety. However, the prerogative of the Chief Executive of the state still must be maintained on any matter that comes before him for his signature. And it is his feeling, as is explained in his correspondence to the Legislative Branch, that he does not feel that the university system in the State of Maine should put the tax burden by increasing the tuition allowances to the students entirely on the tuition.

In other words, what he is telling the Legislature, if they are willing to put a sum of money to supplement the University of Maine, and not have all the burden go to the students that are going to the university, then he is willing to consider that.

This document, as I understand it — and this did not come from this branch, but the other branch, that when statements are made to the effect that, "we are going to put this document in this form on the governor's desk, and he would not dare veto the message," is entirely erroneous. It is the prerogative of the Chief Executive to review all legislation that comes before him, and I think it might be well for this House, if any member sees fit, that they could table this

measure, or this message from the Chief Executive, until such time as they see if this Legislature is going to appropriate additional funds to supplement a complete tuition increase to cover the needs of the University. I would certainly be one that would go along with a motion to table it and to see what monies are going to be made available to supplement the tuition that the University is planning to increase.

Thereupon, the Communication was ordered placed on file.

Mr. Donaghy of Lubec was granted unanimous consent to address the House.

Mr. DONAGHY: Thank you, Mr. Speaker. Ladies and Gentlemen, I will be very brief. I did not rise to cast stones. I did rise to remind the members of this House who went along with me last spring in the passage of this bill, which has been vetoed again, that we are still subsidizing nonresident students at the various branches of the University of Maine, and yet on the other hand we are to be presented with a very high bill for continuing the University of Maine.

\$200 tuition for nonresident students is completely out of line, whether we figure national averages or local averages. And I just want the House to kindly bear this in mind when they are asked to raise millions of dollars for the University of Maine.

Mr. Lund of Augusta was granted unanimous consent to address the House.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: Today marks the first anniversary of the Santa Barbara oil spill. No effective way has yet been found to stem the flow of crude oil resulting from this drilling operation. Over one and one half million dollars in damage claims by the State of California, county and private parties, are now pending against the oil companies as a result of this continuing oil spill, which at one time covered 400 square miles.

The leak goes on unchecked. Citizen's groups opposed the granting of these leases in Santa Barbara. The authorities were, however, persuaded by the oil companies'

assertions that they had licked the technical problems of undersea drilling. The oil companies said they had sufficient safeguards that even if there were an earthquake there would be no oil spill.

No one knows how much oil has been spilled at Santa Barbara. At the height of the spill the loss was estimated at 500 barrels per day. This has dropped to near zero at times. Even if the spill had continued for a year at 500 barrels a day it would have totalled less than ten percent of the capacity of a 300,000 ton super tanker.

Now we have heard a great deal from the oil industry about the successful voyage of the ice-breaking super tanker Manhattan across the Northwest Passage. We have not heard a great deal about the fact that after the voyage a large gash in the hull was discovered, a gash which would have caused a loss of a cargo of oil if there had been a cargo aboard.

As we reach this anniversary — this sad anniversary of Santa Barbara — let us hope that we on the east coast can profit from our mistakes in California.

By unanimous consent, the foregoing matters were ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act Amending the Municipal Public Employees Labor Relations Law" (H. P. 1410) (L. D. 1776) which was tabled earlier in the day and later today assigned, pending further consideration.

On motion of Mr. Durgin of Raymond, retabled pending further consideration and specially assigned for tomorrow.

The Chair laid before the House the following matter:

An Act to Extend Medical Assistance to the Medically Indigent (H. P. 1397) (L. D. 1753) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be enacted and specially assigned for tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Adjusting Salaries of Certain Unclassified State Personnel" (S. P. 590) (L. D. 1745) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

Mr. Rideout of Manchester offered House Amendment "A" and move its adoption.

House Amendment "A" (H-668) was read by the Clerk and adopted, and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

Mr. LEVESQUE: May I ask the Chair if the House is in possession of House Paper 1311, Legislative Document 1625, An Act relating to Rules and Regulations for the Protection of Health and Safety?

The SPEAKER: The answer is in the affirmative.

On motion of Mr. Levesque of Madawaska, the House reconsidered its action of earlier in the day whereby the Bill failed of enactment.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 101 voted in favor of same and 24 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mr. Richardson of Cumberland was granted unanimous consent to address the House.

Mr. RICHARDSON: Thank you Mr. Speaker. Ladies and Gentlemen, you might think that the gentleman from Augusta, Mr. Lund, and I are sort of the Bobsey Twins, but this wasn't an arranged arrangement at all. I didn't realize what was going to happen until just a few minutes ago when he got up and marked the passing of the first anniversary of the disaster at Santa Barbara.

Well I just want you to know that the people of Santa Barbara are not unique. The oil industry continues to insist that these things

cannot happen. And yet, I am sure you will be interested in these facts which were taken from the New York Times news story of January 26, 1970, just a couple of days ago.

The facts indicate that an oozing ankle-deep blanket of oil, 15 miles long and 20 feet wide, covers the beaches of Grand Isle, Louisiana on the day before, that is on Sunday. This island was the sole beach resort for the Louisiana area; now it is littered with dead fish and birds. The waters there were already polluted because "oil well blowouts in the Gulf are, according to one observer, a regular occurrence." However, this massive additional dose of pollutants may well tip the shrimp fishing industry into extinction. Grand Isle was a great fishing resort area, as well as a base for oil companies.

The two major oil operators in the area—and how familiar this sounds—Humble and the Continental Atlantic Getty Company, disclaimed all responsibility or knowledge of the incident. With more than 3,000 wells off the Louisiana coast and an immense traffic in oil, liability will be all but impossible to establish.

I would mark the passing of the first anniversary of Santa Barbara with this indication that perhaps the basic root causes have still not been dealt with.

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

Mr. JALBERT: Mr. Speaker, could I ask a parliamentary procedure question without asking unanimous consent?

The SPEAKER: The gentleman may pose his parliamentary question.

Mr. JALBERT: Mr. Speaker, the beginning of this afternoon session we accepted a Conference Committee Report, I am talking about Supplement No. 2, and the other body had rejected the report, and I was wondering if a motion to ask for a second Committee of Conference would have been in order or would be in order, if we are to concur with the rule of three conference committees.

Would it be pertinent that in view of the fact that in my very humble opinion, Mr. Speaker, that we might have ignored that clause that said that a second conference committee report, would it be conceivably pertinent to ask for a reconsideration?

The SPEAKER: The Chair would advise the gentleman that it is too late. The Chair would further advise the gentleman that

it can be of course procedurally recalled from the legislative files.

Mr. JALBERT: May I ask that it be recalled and ask that someone table my motion to recall?

The SPEAKER: The Chair would advise the gentleman that this must be done by joint order.

On motion of Mr. Richardson of Cumberland,

Adjourned until ten o'clock tomorrow morning.