

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, January 29, 1970

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

Prayer by Brigadier Alfred C. Davey of Augusta.

The journal of yesterday was read and approved.

The Speaker recognized the presence of Mr. Waxman of Portland who had been recorded absent on the organizational roll call.

Papers from the Senate

From the Senate: The following Joint Order:

ORDERED, the House concurring, that the Joint Standing Committee on Education report out a Bill to the House relating to appropriation for school subsidies (S. P. 647)

Came from the Senate read and passed.

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

**Divided Report
Tabled Later in the Day**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes Because of Highway Construction (S. P. 597) (L. D. 1768)

Report was signed by the following members:

Messrs. SEWALL of Penobscot
DUQUETTE of York
DUNN of Oxford
— of the Senate.
Messrs. BRAGDON of Perham
BENSON
of Southwest Harbor
BIRT of East Millinocket
SAHAGIAN of Belgrade
LUND of Augusta
— of the House.

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

Report was signed by the following members:

Messrs. MARTIN of Eagle Lake
JALBERT of Lewiston
— of the House.

Came from the Senate with the Minority Report accepted and the Resolve passed to be engrossed as amended by Committee Amendment "A"

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

Mr. BRAGDON: Mr. Speaker, I move that the House accept the Majority eight to two Report of the Committee on Appropriations and Financial Affairs.

Whereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Bragdon of Perham to accept the Majority "Ought not to pass" Report in non-concurrence and later today assigned.

Non-Concurrent Matter

An Act relating to Rate of Interest on Real Property Taxes (H. P. 1335) (L. D. 1664) which was passed to be enacted in the House on January 28 and passed to be engrossed as amended by Committee Amendment "A" on January 27.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

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, and Report "B" reporting same in a new draft (S. P. 632) (L. D. 1804) under same title and that it "Ought to pass" on which the House accepted Report "A" and referred the Bill to the 105th Legislature in non-concurrence on January 28.

Came from the Senate with that body voting to insist on its former action whereby Report "B" was accepted and the Bill 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. KATZ of Kennebec
 VIOLETTE of Aroostook
 STUART of Cumberland

In the House: On motion of Mr. Richardson of Stonington, the House voted to insist and join in a Committee of Conference.

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

Messrs. RICHARDSON
 of Stonington
 HEWES of Cape Elizabeth
 MILLETT of Dixmont

The following Communication:
 THE SENATE OF MAINE
 AUGUSTA

January 28, 1970

Honorable Bertha W. Johnson
 Clerk of the House
 of Representatives
 104th Legislature
 Dear Madam Clerk:

The Senate today voted to join in a Committee of Conference on Bill, "An Act Relating to Jurisdiction of District Court in Divorce Actions" (H. P. 1337) (L. D. 1666).

The President appointed the following members of the Senate to the Committee:

Senators:

QUINN of Penobscot
 VIOLETTE of Aroostook
 HOLMAN of Franklin

Respectfully,
 (Signed)

HARRY N. STARBRANCH
 Secretary of the Senate

The Communication was read and ordered placed on file.

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

Mr. Trask from the Committee on Business Legislation on Bill "An Act Establishing a Consumers' Council" (H. P. 1405) (L. D. 1761) reported same in a new draft (H. P. 1447) (L. D. 1823) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Mr. Dennett from the Committee on State Government on Bill "An Act Abolishing Full-Time County Attorneys and Increasing Salaries of Certain County Attorneys and Assistant County Attorneys" (H. P.

1303) (L. D. 1616) reported same in a new draft (H. P. 1449) (L. D. 1825) under same title and that it "Ought to pass"

Report was read and accepted and the New Draft read twice.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There are one or two who have approached Mr. Dennett and I concerning possible amendments to this bill. With the thought in mind of time-saving, I was wondering after discussing this with Mr. Dennett, if those who are interested in amendments would meet down in the well of the House so we could discuss it with the thought in mind of having only one amendment tomorrow at third reading. Thank you.

Thereupon, the New Draft was assigned for third reading tomorrow.

**Divided Report
 Tabled and Assigned**

Majority Report of the Committee on Taxation on Bill "An Act Increasing State Tax in Unorganized Territory, Relieving Elderly Persons from Property Tax and to Study the Assessment of Taxes in Unorganized Territory" (H. P. 1406) (L. D. 1762) reporting same in a new draft (H. P. 1448) (L. D. 1824) under title of "An Act Increasing State Tax in Unorganized Territory" and that it "Ought to pass"

Report was signed by the following members:

Mr. MARTIN of Piscataquis
 of the Senate.
 Messrs. FORTIER of Rumford
 SUSI of Pittsfield
 DRIGOTAS of Auburn
 ROSS of Bath
 COTTRELL of Portland
 HARRIMAN of Hollis
 of the House.

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

Report was signed by the following members:

Messrs. WYMAN of Washington
 HANSON of Kennebec
 of the Senate.
 Mrs. WHITE of Guilford
 of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report and I would like to speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House accept the Majority "Ought to pass" Report. The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: I would like to start by explaining a little of the history of this bill. It came to us here in this Special Session in three parts. The first part increased the state tax rate on the unorganized territory from 15 to 25 mills. The second part provided property tax relief for the elderly, and the third part authorized the study of unorganized taxation.

Now in the Taxation Committee we voted to split this bill into three parts. The first part would be the increase in the property taxation, which we have reported out here seven to three "ought to pass." The second part was voted unanimously "ought to pass," the provision on tax relief for the elderly; and there was unanimous "ought to pass" on the third part which provided for a study of taxation on unorganized territory.

But strange things happened to this bill on the way to the forum. The most powerful forces that exist on the scene are at work on this bill and we can expect almost anything. I know that there is concern amongst some of the members of this body about the possible adverse effect that this bill might have on a few unorganized townships where there are people who live and where school systems are maintained and roads are maintained, for which there are taxes.

I would like to explain from a memo here that we have from the State Tax Department quoting, "If the state tax were increased to 25 mills there would be no increase in the effective tax rate in any township where road and school taxes equalled or exceeded 34 mills," since three quarters of 34 under the formula that they use in the computation of these taxes

equals 25 plus mills. So that this bill which would increase the property tax rate on the unorganized territory, practically speaking would have no effect on the townships where people do reside and where the ownership is split up.

I know that some of you are concerned about the section in this bill, as it is now drafted, which would dedicate the revenues from the bill to the support of tax relief for the elderly, for which we have no bill before us and which it is difficult to imagine how you could apply. But if you supported the Majority "Ought to pass" Report here this morning, at the third reading I would offer an amendment which would undedicate the revenues from this tax so that the revenues would go to the General Fund, to be used at our discretion.

At the present time there are a handful of interests who own over one half of the land area of the State of Maine, and I might add that in my opinion substantially control the rest of the state in any issue which affects their position. Now here I think is the most pertinent element of this whole thing, that on some one half of the land area of the State of Maine the State of Maine receives \$1.3 million revenue. This to me is absolutely ridiculous.

Many of these issues that we have to deal with in our committee—and I suspect it is the same with you in your committees, and we ponder over them, and you have to vote "ought to pass" or "ought not to pass," and I am sure that you will sympathize when I say that I have had serious reservations and doubts about my position on various bills that we have reported out one way or the other. I have no doubts whatsoever about my position on this bill, something that I have been acquainted with all of my adult life and in my opinion is the most inequitable situation in taxation that exists in Maine today. Twenty-five or thirty years ago when I was just as concerned about this issue as I am today I was truly—and to borrow an expression from the younger generation — up tight on this one.

So that now I feel a certain serenity coming over me, because I know that the public is more and more becoming aware of this. I know that the public too recognizes that it is unconscionable that we should session after session increasingly impose tax burdens on them for the support of government while at the same time we allow those most able to support state government to get away with just token taxation. I don't know that this will be at all corrected—and this isn't equitable now, because I don't know how much you would have to increase this taxation to bring it in line with the burden that the people of Maine are carrying. I don't know that we will make any step in this direction in this session, but I know it is going to happen soon because I know our public is getting more educated and they are aware of this problem.

I request that you support the Majority "Ought to pass" Report on this bill and when the vote is taken I request a division.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I would hope that you will allow the majority report to be accepted so that I may later offer an amendment. As has been explained, the original L. D. 1762 incorporated verbatim the property tax relief bill for the elderly, which I sponsored in the regular session. The bill was originally set to be reported out of the Taxation Committee in three reports. One of these reports was a unanimous "ought to pass" on Section 2, which is the tax relief formula. Another was a divided report on the wildlands tax, which would have funded a large portion of this relief. Due to a technicality, which I still don't understand, it was determined that the bill could not be reported out in such a manner.

Now you have before you only Section 1, the wildlands tax increase, but you will note that the new draft still provides that the funds derived from the increase

will be used to carry out the purposes of Chapter 105, Subchapter 4A, which is the Tax Relief Act of 1969.

I do not believe that we can properly debate this measure until the amendment to add the tax relief formula is adopted. It is possible that the dedicated funds may have to be amended out. However, if this is done before I introduce my amendment property tax relief will no longer be germane. If my amendment is not adopted first, before the dedicated revenue is abolished, property tax relief cannot go to the appropriations table.

Thus, if we refuse to accept the majority report, the property tax relief act will not even reach this floor. There will be thousands of senior citizens who will be bitterly disappointed if we do not even allow discussion of this act which they so avidly support and for which so many have been working very hard. So, please, out of respect to them, allow the majority report to be accepted.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker, I move item three be tabled for one legislative day.

The SPEAKER: The gentlewoman from Guilford, Mrs. White, moves that item three be tabled until tomorrow pending the motion of Mr. Susi of Pittsfield that the House accept the Majority "Ought to pass" Report.

Mr. Susi of Pittsfield then requested a vote on the tabling motion.

The SPEAKER: All in favor of this matter being tabled until the next legislative day will vote yes; those opposed will vote no.

A vote of the House was taken. 59 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: It is always difficult, especially sometimes, to preserve one's cool, and

I hope I can preserve my cool. I must admit that I am very naive about legislative procedures and techniques, but I would like to emphasize again that it was the unanimous intent of the Taxation Committee to debate these three items in this major bill, which probably were assembled together because of the hurriedness that is imposed on a special session, and it was the unanimous opinion that these should come out and be debated separately. It was our good intent that that should happen, and so we did divide the bill into three parts. It was sent to the Legislative Research, they drafted the three bills, and all of us signed individually these three bills.

Now I think that something ought to be done so if this thing occurs again, or a situation like this occurs again, that the intent of the committee could be carried out and that important measures like this could be debated separately.

I myself did not want to see any major tax come up at this Special Session, and it took me three days to make up my mind how I would sign this tax on the unorganized territory, and I did it mostly from a philosophical approach. The tax on all property has gone up considerably in the last five years. In 1965 the tax on the unorganized towns went up from 11 to 15 mills. I was not really in favor of imposing a tax of ten mills; I thought from a rational basis that five mills would be enough. But I did finally sign the report to get the debate before the House, and I also wanted to have a debate on the elderly separately. A lot of us don't believe in dedicated funds and we thought that was the best way to handle it.

It wasn't handled that way, and here we are, and I don't know what is going to happen, but I do not think that we as a legislature are going to have the privilege of debating these things separately and in a logical, procedural way.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: This is a very difficult bill for me to make

a decision on, for the reason that I was opposed to the first part of the bill, the tax on wildlands. I was in favor of relief for the elderly—I think if my voting record over the past eight years was checked out it would show very definitely that I have been for persons in need, and I was very much in favor of the third section of the bill, which was the investigation.

I still am in favor of that. I am still in favor of helping the elderly and I am still in favor of not increasing a wildlands tax at this time. I hope very much that in one way or another an investigation will come out. I can't say that maybe the wildlands shouldn't have more tax money for the state, but I think very strongly that there should be an investigation. I just wanted to make my position clear as the only signer of the "ought not to pass" report.

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

Mr. ROSS: Mr. Speaker and Members of the House: The committee felt that probably the most important feature in this entire bill was the tax relief for the elderly, but they did not feel that this should be dedicated only to wildland revenue.

Now I have a parliamentary question, Mr. Speaker. If Mrs. Goodwin in her amendment should strike out everything after the enactor clause and insert therein her idea for tax relief to the elderly, would that be germane to this bill?

The SPEAKER: The Chair would advise the gentleman that the amendment not being before the House the Chair is not prepared to rule until we continue the procedural process of this bill to the amendment.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Would a joint order providing for the recommitment of this bill to the Taxation Committee to permit them to come out with three bills so that each member of the committee could sign each one of those

three bills would that recommitment order be in order?

The SPEAKER: The Chair would advise the gentleman that if the Legislature so wills a joint order can be passed by both branches asking the Taxation Committee to report out bills pertinent to the subject matter that they desire.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: It must be very evident from what has been going on here now that this is a very complicated matter. I would ask the Chair whether or not someone could table this for one legislative day. I am asking it because I am particularly interested, this is the first time I have had a chance to see the bill. Someone has thrown out here that this doesn't affect townships that have people living in them, although they are still unorganized, and I have two townships that the tax rate already is up at 70 cents, so another penny on here counts, and it is going to hurt these people. I think that I would like to see somebody table this for a day until we find out what they are trying to do or put over, or what the story of this is. There is an awful mess here somehow.

The SPEAKER: The Chair must rule that a tabling motion is not in order, a tabling motion having lost.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker, may I pose an inquiry?

The SPEAKER: The gentleman may pose his inquiry.

Mr. DANTON: Mr. Speaker, would a motion to recommit at this time be in order?

The SPEAKER: A motion to recommit is always in order.

Mr. DANTON: I so move.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, moves that this matter be recommitted to the Committee on Taxation.

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

Mr. SUSI: Mr. Speaker, is a motion for recommitment debatable?

The SPEAKER: It is.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would hope that you would vote against the motion for recommitment. If this ever gets off our desks, I just have the feeling it will never see the light of day again. The only hope we ever have to move on this is to keep it before us.

I can't explain why I know this to be so, but I have seen it happen before. Thank you.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: On this bill here, after having had the discourse and the various theories put forth, I now have the feeling that something is trying to be railroaded through this House. I will support the recommitment.

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

Mr. CAREY: Mr. Speaker, I move that the motion to recommit be tabled for one legislative day.

The SPEAKER: The gentleman from Waterville, Mr. Carey, now moves that this matter be tabled until the next legislative day pending the motion of the gentleman from Old Orchard Beach, Mr. Danton, that this bill be recommitted to the Committee on Taxation.

Mr. Susi of Pittsfield requested a vote.

Whereupon, Mr. Farnham of Hampden requested a roll call.

The SPEAKER: A roll call on the tabling motion has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call on the tabling motion 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 pending question is on the motion of the

gentleman from Waterville, Mr. Carey, that this matter, Bill "An Act Increasing State Tax in Unorganized Territory, Relieving Elderly Persons from Property Tax and to Study the Assessment of Taxes in Unorganized Territory," House Paper 1406, L. D. 1762, be tabled until tomorrow pending the motion to recommit. If you are in favor of tabling you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Baker, Bedard, Birt, Bunker, Carey, Carrier, Carter, Casey, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Couture, Crosby, Croteau, Cummings, Curran, Curtis, Cushing, Danton, Dennett, Donaghy, Dyar, Emery, Evans, Farnham, Faucher, Fecteau, Foster, Giroux, Hall, Hardy, Haskell, Henley, Hewes, Hunter, Jameson, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Laberge, Lebel, Leibowitz, Lewis, Lincoln, MacPhail, Marsteller, McNally, Meisner, Mills, Moreshead, Mosher, Nadeau, Noyes, Ouellette, Payson, Rand, Richardson, G. A.; Ricker, Rocheleau, Sahagian, S a n t o r o, Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Thompson, Trask, Tynedale, White, Williams.

NAY — Allen, Barnes, Benson, Berman, Bernier, Boudreau, Bourgoin, Buckley, Burnham, Chandler, Chick, Coffey, Corson, Crommett, Dam, Drigotas, Dudley, Durgin, Erickson, Eustis, Finemore, Fortier, A. J.; Fraser, Gauthier, Gilbert, Goodwin, Hanson, Harriman, Hawkens, Heselton, Hichens, Huber, Immonen, Jalbert, Kelleher, Keyte, Kilroy, LePage, Levesque, Lewin, Lund, Marquis, Martin, McKinnon, McTeague, Millett, Mitchell, Morgan, Page, Porter, Pratt, Quimby, Rideout, Ross, Scott, C. F.; Starbird, Stillings, Susi, Tanguay, Temple, Vincent, Waxman, Wheeler, Wight, Wood.

ABSENT — Binnette, Bragdon, Brennan, Brown, Cox, D'Alfonso, Fortier, M.; Good, Lawry, Lee, Norris, Richardson, H. L.

Yes, 73; No, 65; Absent, 12.

The **SPEAKER**: Seventy-three having voted in the affirmative and sixty-five in the negative, the motion to table does prevail, pending the motion of the gentleman from Old Orchard Beach,

Mr. Danton, that this Bill be re-committed.

**Third Reader
Tabled and Assigned**

Bill "An Act Prohibiting Dumping of Out-of-State Waste Matter" (S. P. 645) (L. D. 1820)

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

(On motion of Mr. Snow of Caribou, tabled pending passage to be engrossed and specially assigned for tomorrow.)

**Passed to Be Engrossed
Amended Bill**

Bill "An Act to Implement the Powers of Municipal Home Rule" (S. P. 555) (L. D. 1630)

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

**Emergency Measure
Tabled Until Later Today**

An Act Providing for Immunity to Members of Ski Patrols in Emergency Cases (S. P. 583) (L. D. 1710)

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

(On motion of Mr. Moreshead of Augusta, tabled pending passage to be enacted and later today assigned.)

**Passed to Be Enacted
Emergency Measure**

An Act relating to Judicial Divisions of the District Court (S. P. 585) (L. D. 1712)

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. 129 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.

Emergency Measure

An Act Making Additional Appropriations for the Expenditures

of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971 (S. P. 640) (L. D. 1811)

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

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

Mr. BIRT: Mr. Speaker and Members of the House: This bill is the work of the Appropriations Committee who had several meetings this fall. It is a redraft of L. D. 1629, on which the Appropriations Committee had several meetings this fall and reviewed the entire budget. In this they found several areas where savings could be made. They had discussions with most all of the departments in the state, and reviewed their budgets, and discussed with them possibilities or recommendations of reductions, in some cases of personnel, in a few cases of reductions in their overall budgets. We have gone over the entire budget. I think we have done an effective job, and as a result of it we have incurred savings which will amount to about \$1,300,000.

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. 129 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Amended

An Act to Clarify and Amend the State Housing Authority Law (S. P. 642) (L. D. 1813)

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

On motion of Mr. Rideout of Manchester, under suspension of the rules, the House reconsidered its action of January 27 whereby the Bill was passed to be engrossed as amended by Senate Amendment "A".

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of January 27 whereby Sen-

ate Amendment "A" was adopted, and on further motion of the same gentleman the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-672) was read by the Clerk and adopted.

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

Emergency Measure Tabled Until Later Today

An Act Appropriating Funds to the Department of the Attorney General (H. P. 1364) (L. D. 1713)

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

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be enacted and later today assigned.)

Enactor Tabled Until Later Today

An Act to Promote Governmental Reorganization and Efficiency (S. P. 641) (L. D. 1812)

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

On motion of Mr. Rideout of Manchester, under suspension of the rules, the House reconsidered its action of January 27 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-667) 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 could explain the amendment?

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

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

House: I will attempt to answer it. If you will note that it strikes out on page 2 of Legislative Document 1812, the last paragraph in Section 3. It is the opinion of many of us that in the Governmental Reorganization Bill, where the recommendations are to be made for the reorganization of several departments and the consolidation of these departments—the recommendations will be made to the 105th, it is premature to have the budget requests for the next biennium come in in consolidated form. I have no quarrel with the consolidation of the budgets, but I think it is putting the cart before the horse. And we should act upon the recommendations contained within the bill prior to the budgetary recommendations.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the adoption of House Amendment "A" and later today assigned.

Passed to Be Enacted

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

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 Today

An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations (H. P. 1375) (L. D. 1724)

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

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

An Act Creating the Maine Forest Authority and Conforming the Powers of the Forest Commissioner and the Baxter State Park Authority to a Certain Inter Vivos Trust Created by the late Percival Proctor Baxter (H. P. 1440) (L. D. 1815)

An Act Repealing the Property Tax Certificate Requirement for Registration of Watercraft (H. P. 1441) (L. D. 1816)

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.

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

From the Senate: The following Joint Resolution: (S. P. 649)

WHEREAS, the Honorable Ralph W. Allen of Caribou has a proud record of achievement and faithful stewardship for his State and the people he serves; and

WHEREAS, Representative Allen is recognized as one of our most able legislators; and

WHEREAS, last evening he was named Caribou's Most Outstanding Citizen by its Chamber of Commerce; and

WHEREAS, the honor is well deserved, for Ralph's life purpose has long been doing his best in the service of others; now, therefore, be it

RESOLVED: That we the Members of the 104th Legislature of the State of Maine now assembled in Special Session congratulate Ralph W. Allen on the honor which has been bestowed upon him in recognition of his achievements; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately transmitted to our honorable colleague commemorating the occasion.

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

Divided Report

Tabled Until Later Today

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$24,835,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 603) (L. D. 1778) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. SEWALL of Penobscot
DUQUETTE of York
— of the Senate.
Messrs. JALBERT of Lewiston
LUND of Augusta
MARTIN of Eagle Lake
BRAGDON of Perham
BIRT of East Millinocket
BENSON
of Southwest Harbor
SAHAGIAN of Belgrade
— of the House.

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

Report was signed by the following member:

Mr. DUNN of Oxford
— of the Senate.

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 "A" thereto.

In the House: Reports were read. (On motion of Mr. Bragdon of Perham, tabled pending acceptance of either Report and later today assigned.)

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: After we adjourned yesterday afternoon I was in a conversation with a fine gentleman, the correspondent for a periodical from another state. In our conversation I saw seven or eight people gathered around a corner, and upon being asked who they were, the conversation drifted and the remark was made, "What is this I hear about a lot of money flying around these halls?" And upon further comment, the words "booze and broads" was brought into the picture.

I stood stunned for a few minutes. The conversation ended after I told this fine gentleman about the proceedings and about the integrity of the members who are housed in this building.

I make my remark because many of you have heard me say so very often that this is one of my homes, and it certainly is. I feel that this body in this branch and in the other branch is loaded

with an overabundance of honesty and integrity. I have never been one who has said I wore a halo. But certainly when I come into the halls of this building, and certainly when I take my seat, I do it with a prayer in my heart that I will serve well, and I will serve with honesty and integrity. And I know that I speak for every member of this body, as well as the members of the other body.

Obviously those who would spread money around, the connotation would naturally revert itself to the members of the third house, commonly known as the lobby.

It has been my distinct pleasure and honor and privilege to associate myself since January 4, 1945, as a member of this body. On more than one occasion, I would almost say hundreds of occasions, it has been my pleasure to seek counsel from members of the third house. I do it daily. The compliments of integrity would certainly fall upon them also.

Without casting any aspersions whatever on the Halls of Congress or the halls of any other body, it would behoove me that we in Maine are blessed with as fine and informative and as fine a body composing the third house that there exists in this entire nation.

My remarks are not made in any way to take the fine gentleman who spoke to me to task, because you hear things and you repeat them. And I might caution somewhere along the line that one might be careful about remarks that he might make.

I merely make the remarks to put into the record my true, heartfelt feelings about this body, the other branch, and the members of the third house in hopes that the gentleman will go back to his home knowing fully well exactly, at least, how I feel, and I know I might speak for the remainder of our body, as to how we feel about our honesty and integrity.

Mr. Dennett of Kittery was granted unanimous consent to address the House.

Mr. DENNETT: Mr. Speaker and Members of the House: I arise to concur with the gentleman from Lewiston lest anyone might think that his remarks were purely of a

partisan nature. I certainly do not speak for the majority membership of the House, but I think too that the majority membership would concur in his thoughts.

I think it is a sorry state of affairs that anyone at any time might seek to cast reflection on the integrity of the members of this House, particularly if these things are questioned and might at any time appear in foreign publications. I think that here we have a Legislature second to none in the nation, and it is as clean as a legislature can possibly be. I believe that the people that comprise this Legislature for all purposes are above reproach, and I again certainly concur with him in his remarks.

The following paper from the Senate appearing on Supplement No. 2.

From the Senate: The following Order: (S. P. 648)

ORDERED, the House concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to study current practices in collective bargaining to determine the feasibility and the desirability of extending bargaining rights to public higher education personnel; and be it further

ORDERED, that the council shall report its findings and recommendations to the Joint Committee on Education of the 105th Legislature.

Came from the Senate read and passed.

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

Orders of the Day

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

Bill "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (S. P. 643) (L. D. 1818)

Tabled — January 28, by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

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

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

Bill "An Act relating to Death Benefit for Parents Under Workmen's Compensation Law" (S. P. 611) (L. D. 1787) (In Senate, Committee Amendment "A" S-391 indefinitely postponed and Bill passed to be engrossed as amended by Senate Amendment "B" S-403)

Tabled — January 28, by Mr. MacPhail of Owls Head.

Pending — Adoption of Committee Amendment "A."

On motion of Mr. Huber of Rockland, Committee Amendment "A" was indefinitely postponed in concurrence.

Senate Amendment "B" (S-403) 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 Senate Amendment "B" and sent to the Senate.

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

Bill "An Act Requiring Bonds to Insure Performance of Waste Discharge License Provisions" (H. P. 1445) (L. D. 1821) (House Amendment "A" H-666 adopted)

Tabled — January 28, by Mr. Farnham of Hampden.

Pending — Passage to be engrossed as amended by House Amendment "A."

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

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

Bill "An Act Amending the Municipal Public Employees Labor Relations Law" (H. P. 1410) (L. D. 1776) (In House, passed to be engrossed as amended by Committee Amendment "A" H-656) (In Senate, passed to be engrossed as amended by Committee Amend-

ment "A" and Senate Amendment "A" S-404)

Tabled — January 28, by Mr. Durgin of Raymond.

Pending—Further consideration.

On motion of Mr. Huber of Rockland, the House voted to recede from passage to be engrossed and from adoption of Committee Amendment "A".

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

House Amendment "A" to Committee Amendment "A" (H-670) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The portion of House Amendment "A" which is the same as we hoped Committee Amendment "A" to be, but due to my error there was a difficulty in regard to Section 7 of the original bill.

It was my understanding as a member of the Labor Committee, and I think that of many of the members of the committee, that we felt that Section 7 in the original bill, which would have authorized the municipalities and other public employers to enter into certain agreements, was not necessary because it was already covered by the general language of the act that we passed at the regular session.

Indeed, we understand that several of the municipalities have already entered into agreements based on this authority, so we saw no need for Section 7 of the original bill.

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

Senate Amendment "A" (S-404) was read by the Clerk.

On motion of Mr. Huber of Rockland, Senate Amendment "A" was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-674) was read by the Clerk and adopted

and the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "A" in non-concurrence and sent up for concurrence.

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

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

Tabled — January 28, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

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

Mr. Hunter of Durham was granted unanimous consent to address the House.

Mr. HUNTER: Mr. Speaker and Members of the House: Yesterday my good friend from Strong, Mr. Dyar, called our attention to the fact that the Town of Durham borrowed their money a lot cheaper than what I was led to believe that they would have to pay for it. And I thank him for telling us about it. I was really embarrassed about it.

But what I really want to say, I wasn't stretching the truth as some of my friends kind of kidded me about. I just evaluated the situation wrong. The statement that I made about Nelson Rockefeller I just read out of the paper. But I can tell you that the dam that the town has a lien on is still in the Androscoggin River. I saw it this morning, it is water tight, it is being used every day in the week, 24 hours a day, making electricity. And it is still for sale if you want to buy a half a dam.

Now I find other people evaluate things a little bit wrong, too. Last Sunday there appeared in the paper an item by Don Hansen that said I took out 700 nomination papers, which I did, that I have possession of. But he also said that I was a Republican. Now it is bad enough to go through life being known for stretching the truth, but I don't want to be known as a Republican. (Laughter and applause.)

By unanimous consent the foregoing papers were ordered sent forthwith to the Senate.

The following paper from the Senate appearing on Supplement No. 3 was taken up out of order.

Non-Concurrent Matter

Report of the Committee on Business Legislation on Bill "An Act Creating the Maine Insurers Insolvency Pool Act" (H. P. 1420) (L. D. 1788) reporting 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" which Report was accepted in the House and the Bill passed to be engrossed on January 28.

Came from the Senate with the original Bill substituted for the Report and referred to the 105th Legislature in non-concurrence.

On motion of Mr. Scott of Wilton, 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. SCOTT of Wilton
SCOTT of Presque Isle
RIDEOUT of Manchester

On motion of Mr. Snow of Caribou,

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 papers appearing on Supplement No. 4 were taken up out of order.

**House Reports of Committees
Ought to Pass in New Draft
New Drafts Printed
Passed to Be Engrossed**

Mr. Richardson from the Committee on Education on Bill "An Act to Authorize Town of Winterport to Form a School Administrative District" (H. P. 1398) (L. D. 1754) reported same in a new draft (H. P. 1451) (L. D. 1827) under title of "An Act Permitting

the Town of Winterport to Join School Administrative District No. 22 or School Administrative District No. 56 Under Certain Conditions" and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act to Create a School Administrative District in the Town of Madawaska" (H. P. 1403) (L. D. 1759) reported same in a new draft (H. P. 1450) (L. D. 1826) under title of "An Act Permitting the Town of Madawaska to Join School Administrative District No. 33 Under Certain Conditions" and that it "Ought to pass"

Reports were read and accepted and the New Drafts read twice. Under suspension of the rules, the New Drafts were read the third time, passed to be engrossed and sent to the Senate.

Passed to Be Enacted

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

An Act relating to the Taxation of Farm Machinery (H. P. 1360) (L. D. 1689)

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)

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.

The Chair laid before the House the following matter:

MAJORITY REPORT (8) "Ought not to pass"—Committee on Appropriations and Financial Affairs on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes Because of Highway Construction (S. P. 597) (L. D. 1768) and MINORITY REPORT (2) reporting "Ought to pass" as amended by Committee Amendment "A" (S-392) which were tabled earlier in the day and later today assigned, pending the motion of Mr. Bragdon of Perham to accept Majority Report in non-concurrence.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This legislative document, L. D. 1768, is a very innocent appearing document, but of course any legislative document is important. This one is obviously important to the people of the Canton Water District. It is important to the people of the State of Maine in the principle which it seeks to establish.

This bill was first referred in this House to the Committee on Highways. They gave it consideration and obviously found that they could not take action on it, for the following reasons. The highway funds under the Constitution are to be expended only for highway purposes. The courts have ruled that the removal or the relocation of utilities where a highway job is constructed are not highway construction. Thus the hands of the Highway Committee were obviously tied in giving any relief to the Canton Water District. They had no other choice.

There are no restrictions that I know of, with regard to paying this from the General Fund, except the fact that over the years it has never been done. This bill would establish what I look upon as a very dangerous precedent. I was just talking with Mr. Stevens and he estimates that probably the cost next year to the highway funds of the state could run up to a quarter of a million dollars. That would apply not only to highway funds but to state road construction or state road money; every facet of road construction, if we establish the principle contained in this bill, would be affected.

Now the Highway Committee referred this bill to the Committee on Appropriations and Financial Affairs. It was an unadvertised hearing because of the fact that it had been previously advertised as appearing before the Highway Committee. One man appeared before the Appropriations and Financial Affairs Committee in the interests of the Canton Water District. The legal talent of the Highway Commission appeared and gave their reasons to the committee, why the highway fund

could not participate in this expense of moving utilities.

I think I can safely say that the decision of the majority members of the Appropriations Committee in coming out "ought not to pass" on this bill was based solely on the fact that if this was the direction that the state wished to take, the thing should be aired in a full public hearing where everybody would have an opportunity to express their wishes and the Legislature should take action either for or against this procedure.

Obviously this has not been done, and we did not feel that we should establish a precedent so far-reaching as this until the intent of the Legislature had definitely been established. We did not feel that we could pay, in the case of one utility, the cost of removing or relocating their lines unless it was the law of the state and the cost of removing every utility could be paid for.

I hope I have made my position clear. I hope I make sense to this House in our reasons for not approving this bill of the Canton Water District. Granted it is important to them. They are a small town; it is only a matter of \$1500. But until such time as we do have a full scale review of whether this is going to become the policy of the state, I hope you will go along with the "ought not to pass" report of this committee.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I might comment that the good gentleman from Perham, Mr. Bragdon, mentioned that it was only \$1500. Out of fairness to him I would comment that the measure is nearer 15,000 than 1500. However, when you consider that this project involved \$800,000, the amount 15,000 is quite small. This, as you know, is proposed to reimburse the Canton Water District for the cost of relocating pipes as a result of highway construction.

Now it is important to remember that we are concerned with a small utility serving only 107 residential and commercial clients.

The highway project has imposed a substantial financial burden on the small rural community, and if this bill fails it will be necessary for the Water District to petition the Public Utilities Commission for a 30% rate increase, resulting in its customers being exposed to the highest water rates in the state.

Now I might say that certainly you people would realize what it would mean in your own area should you be faced with this in your own area as far as your own rates are concerned. The Constitution provides that expenses for reconstruction and construction of highways must come from the highway fund and that it would be unconstitutional to pay for the relocation of the water pipes from the highway fund, and consequently a request from this General Fund.

Ofentimes we hear the comment that this is breaking a precedent. Well everything, every new program, everything breaks a new precedent. Everything we start, it must be a precedent—if it may be called a precedent. And we just start these programs and I just feel that any measures that would be started along this area here, if they would be a precedent, the fact of the matter is that any other project that would be as worthy as this one should be treated in the same manner as I hope this one will be treated—and that is that we would pass the program.

Now it is my very sincere belief that this would create a tremendous hardship on this very small, fine community. Contrary to what possibly the gentleman from Perham, Mr. Bragdon, may forget, but there has been, there was a hearing on this bill. I notice that 24 hours was given to the sponsor of the measure, so that he couldn't get all the people from the area, all of them, at the hearing. But when they first heard it through the Highways Committee, they heard it—and we got wind of it on the Appropriations Committee, I feel that certainly there sure must have been enough information given us at least to come out with a report, whatever the report was.

Mr. Speaker, it is my understanding that the motion is to accept the "ought not to pass" report. I hope that the motion to accept the "ought not to pass" report will not prevail, so that we can make a subsequent motion for the "ought to pass" report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: This bill was heard before Highways of which I am a member. It was very well attended, and Canton Water District was there along with the selectmen and many other interested people. I am sure our committee felt—at least myself and some of them that I talked with—that this was a very valid cause and should be paid. However, we were told by the Attorney General that this couldn't be paid out of highway funds. Now this I don't understand either because I know that they pay for wells, they pay for trees, and that this was a damage that they caused to the Canton Water District's water supply.

Now let me tell you as I see it. The Highway Department didn't claim they were not negligent. They to me seemed to admit they were negligent, but they didn't want to create a precedent. They said if we pay for this water district at Canton we may bust a pipe somewhere else and have to pay for it. Now it is my opinion that if they did a \$800,000 job in Bangor or any other place, they damaged the water main, it certainly should be their obligation; and I think that we should pay this and it seemed to me like a very valid cause. And I am not afraid to start a precedent. I do know that they pay for trees and other damages. I do know that they have paid for wells, and you do too. And this is a very poor community, and very deserving of these funds. And I am not afraid of a precedent.

And let me say once again, the hearing was very well attended before the Highway Committee, and I think we would have recommended paying the bill, but we found we couldn't by the Attorney General's ruling. Thank you.

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

Mr. BENSON: Mr. Speaker and Members of the House: Unlike the gentleman from Enfield, Mr. Dudley, I am all shook up over precedents. We established one back in 1953 by granting an interest-free loan, and we found ourselves confronted with a group who wished to be treated in the same manner in this session of the Legislature.

I think that this would come back to haunt us, and we wouldn't have to wait any more than a year or so for it to do so. It is easy to build an emotional case for a small group, or a small town. There is no question about that. I feel very sorry for the people of Canton that this has happened. I do feel that this is something that should be considered by the Highway Fund and not by the General Fund.

As far as the precedent is concerned, I am sure that Bangor Hydro, Central Maine, and any other of these utilities would be tickled to death to have us take an affirmative step in this direction today. They would be tickled to death because they would have their hands into the pot all the way up to their shoulder. And I am sure that we would find it very difficult to shut this thing off.

We are talking about establishing a precedent, about raiding the General Fund for something that has happened, or been caused by the Highway Commission. If this is an obligation of the Highway Commission then it should be settled by them one way or another. I certainly hope that the House will go along with the majority of the Appropriations Committee and refuse to allow this precedent to be established here today. Thank you.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain my position as a signer of the minority "ought to pass" report. As you will note, and it is rather interesting to me, that the State of Maine spent \$800,000 building 1.8 miles

of road in the small community of Canton, Maine, and in the process of building and relocating the road made it a necessity to relocate the water line at a cost of some \$14,000.

It is a small utility, and it is for that reason that I stand regardless of whether or not it is a precedent from the Blue Nose to the water districts. But it is important for us to remember what the Highway Commission presently does. My community last year finished and completed a water district. We had to pay to the State of Maine close to \$20,000 in "opening fees" to the Highway Commission, with the understanding that after this was done the roads were to be put in their original condition. We filled up the holes, the Highway Commission did not. We fixed the banks, the Highway Commission did not. And they got the money, and we did the work. They probably put in a couple thousand dollars, and this is done every time you have a water district.

Under existing Maine law if it involves an interstate project the utility automatically gets the money. But if it involves an intrastate project, like Canton, it does not. Now it seems to me that in fairness to the people of Canton, and to the 100 and-some-odd utility users within that community, then it should be a necessity for us whether precedent or not that we give them the money.

Now it is my understanding that the Highway Committee was willing to report this "ought to pass" but could not, and that is why it went to the Appropriations Committee. And before the committee the Highway Commission did not say it wasn't their fault, they gladly admitted it was. They simply said they didn't have the authority to pay for it.

And so I would hope that we would vote against the motion made by the gentleman from Perham, Mr. Bragdon, and then we would accept the "ought to pass" report of the Appropriations Committee.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: We are not talking about fault here, I don't think. Let's not get this idea that we are. We are talking about relocating utilities where highways have to be built. It always has to be done.

One of the first things when you build a piece of state road out in the country, the telephone company and the electric light company come in and they reset their poles to accommodate the construction of the new road. The people that have the new road should be thankful they have got the new road. And the utilities have felt it was their duty to do their part and move their utilities. They run them along beside the road. That is a privilege to them to do this. Otherwise they would have to buy right-of-way somewhere outside the highway.

It is not a case of fault. It is a case of necessity. If it is a new road that is going to be built through Eagle Lake or Presque Isle or Caribou, granted, if the utilities are in the way of the improvement of the road, they have got to be relocated to fit the new construction. This is just the natural course of events.

This is a special session of the Legislature. When we get out of here we are going to have very many counts against us for things that we did not give careful enough consideration to. On this occasion I implore you not to establish this principle at this time. Let's rather wait until this has been heard before a regular session of the Legislature, as I said before, again with a full public hearing to see if this is the policy that the State of Maine wants to continue to follow with regard to the relocation of utilities.

And don't get the idea that we are talking about poor little water districts. We are talking about all utilities. We are talking about electric light lines, telephone company lines, lines that the utilities, they have considered this their duty. If we want to change our policy that is okay with me. But in heaven's name, let's not do it in a brief special session of the Legislature, and go home and find

that we have made a terrible mistake. I implore you to go along with the majority report of your Appropriations Committee.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I keep listening to the good gentleman from Perham, Mr. Bragdon, "let's have a full public hearing." This has had two hearings, one before the Highway Committee and a hearing that was held before the Appropriations Committee. And it was thoroughly discussed in executive session, and it is being given a full hearing now.

And I listened very attentively to the remarks of the representative from Southwest Harbor, Mr. Benson, when he talks about precedent that we broke in 1953. We broke a precedent in 1953, and I joined him in another precedent for \$400,000 just a few days ago. I am sure that he would join me in breaking a precedent now for only \$14,000.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: In any discussion of breaking precedent it isn't too bad when the item is only \$400,000. But this might open the door to the American Tel and Tel, and many other public utilities for request of the same thing.

I think that the gentleman from Perham, Mr. Bragdon, has done an excellent job of presenting his picture. I would bring out one other point, that at the time that this highway was under discussion, the Highway Commission, as it characteristically does in all cases, held a public hearing in the Town of Canton. At that time there was some discussion of possibly routing the road in back of the Town of Canton, but the general attitude of the people in Canton was that they preferred to have the road rebuilt through the Town of Canton in its present location.

In this discussion it was also pointed out that there was the possibility of some dislocation of public pipelines owned by the

water company in the Town of Canton. And it was also pointed out that the public utility who owned this particular installation thoroughly understood and agreed that any damage or dislocation that was done by the Highway Commission was completely the responsibility of this public utility, and that the Highway Commission was not responsible for it.

Now the other point that has been discussed about them doing wells and repairing wells, or paying for well damage, the statutes do allow for payment of damage outside of the right-of-way, but they do not presently allow for any damage or dislocation that occurs within the highway right-of-way.

I think, as Mr. Bragdon has pointed out, if we do want to assume the damages that might occur for any dislocation or harm that is done within the right-of-way, we should have this done at a public hearing, and make a decision, and then we will know exactly in the direction we are going. But until we do do this we should change the general law rather than create a precedent on this one occasion. And I think every one of the members of the committee recognize the hardship that this might do to the people of Canton. But we also recognize the problems that we might create if we were to pass this piece of legislation. I would hope that the majority report, "ought not to pass", is accepted.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I am a little confused at this moment. I have heard from two different committees, and if I am wrong I want to be corrected.

I think the first one said the Highway Commission admitted they were wrong, but for some reason or other they couldn't pay the debt. So now the other committee claims that, well, it is a precedent.

I don't see this. I think it is a question of which pocketbook are we going to get into. So let's get into the right pocketbook and if we are liable, let's pay the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the House accept the Majority "Ought not to pass" Report on Resolve to Reimburse Canton Water District for Costs of Relocating Pipes Because of Highway Construction, S. P. 597, L. D. 1768. All in favor of accepting the Majority "Ought not to pass" Report in non-concurrence will vote yes; those opposed will vote no.

A vote of the House was taken. 69 having voted in the affirmative and 60 in the negative, the motion did prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

An Act Providing for Immunity to Members of Ski Patrols in Emergency Cases (S. P. 583) (L. D. 1710) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

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

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

Mr. MORESHEAD: Mr. Speaker, I object.

The SPEAKER: The Chair will order a vote. This requires a two-thirds vote and is not debatable. If you are in favor of the rules being suspended you will vote yes, if you are opposed you will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 37 having voted in the negative, the rules were suspended.

On motion of Mr. Rideout of Manchester, under suspension of the rules, the House reconsidered its action of January 27 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

House Amendment "A" (H-678) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

An Act Appropriating Funds to the Department of the Attorney General (H. P. 1364) (L. D. 1713) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. KELLEHER: Mr. Speaker, I move for indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this matter be indefinitely postponed.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would ask for a division on that motion and would speak to it.

The title of this bill, which was proposed by the gentle lady from York, Mrs. Brown, An Act Appropriating Funds to the Department of the Attorney General. I submit that if the title were "An Act to appropriate Funds to Investigate Exorbitant Rent Charges by Slumlords or against Unfortunate Tenants," or something to that effect, there would be no problem here.

The Attorney General is required, not just that he may, but he is required under Title X, Section 1107 of the Laws, to investigate all seeming violations of profiteering by landlords when he receives a petition signed by fifty or more citizens.

The Attorney General did receive a petition signed by about sixty-five citizens in the Bangor, Orono, Brewer, Orono area asking that he investigate profiteering. As a matter of fact, the title of this chapter we are concerned with is "Monopolies and Profiteering."

He sent an investigator, a gentleman by the name of Earle Haines,

in the Bangor area, who was up there for approximately two months. He went into more than two hundred apartments in more than fifty buildings, and he laid the groundwork now for formal investigation. However, now the Attorney General has to hire outside experts, witnesses, to proceed with the final investigation. It seems to me that as part of his duty he must do this. He needs the funds to do it, and I respectfully request that the motion to indefinitely postpone be defeated. Thank you.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The other day when this was before this body I didn't say one way or another what my feelings were on it. But I have done a little work on it since then, and this appropriation is to appropriate \$15,000 as Representative Hewes said, for looking into rent profiteering in the City of Bangor. From what I understand, and from the information that I have got, there is very little involvement of these cases, if any.

We have a city solicitor in Bangor, and we have commissions or investigating agencies that can handle this matter very well, and I don't believe the state should have to spend \$15,000 on this.

This was started back in Bangor by a gentleman that worked for a radio concern. He got a number of people to sign signatures, and from what I understand, some of the people that signed it didn't know what exactly the man was referring to or talking about. You know how some people are. If they say there is an issue going on and it is an unpopular one, right away everyone is willing to put their name to support an investigation. But sometimes these investigations do not warrant exactly the way they are presented.

I think it is a waste of the taxpayer's money. As far as the State of Maine goes, we have got very good officers in the City of Bangor and I am quite sure that if we have a problem up there that my city and the city officials can take care of it.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: I am in favor of this legislation, but I find that in my own mind I will have to vote against it. We have another bill before us on the rent escrow, and this is a statewide problem. And I feel that if I vote for this I am going to block myself in a corner. We have a number of people in the Portland area that have the same problems, and I don't think I will be able to answer their questions as to why we can do this for Bangor and we can't find the funds for the people of Portland. So myself, I will have to vote this down so I won't get myself in a corner with these people.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to any member of the Bangor delegation who so cares to answer. I would like to inquire if these areas concerned have building inspectors. I would like to know if they have zoning ordinances up there that have any control on this condition whatsoever.

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to any member of the Bangor delegation who may answer if they choose. The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Representative Mills' question, yes we do. And I am quite sure they can handle the problem without the state interfering on it.

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

Mr. HEWES: Mr. Speaker and Members of the House: Apparently the authorities in Bangor are not taking care of the problem because fifty-odd citizens, sixty-five to be exact, signed a petition requesting the Attorney General to look into this matter. And therefore, it seems to me that the At-

torney General must do that under the law. And that is what he is asking for money to be able to do and if he doesn't comply with the law then of course he would be in violation of the law and he would be accused of whitewashing this matter.

In reply to the question posed by the lady from Topsham, I submit that if conditions in Portland were such to warrant fifty citizens in Portland to sign a petition, then the Attorney General would look into that matter, or in any other part of the state. It is his job, and all we are asking for is the funds for him to perform his job.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: In view of the discussion that has just transpired, assuming that this area, Bangor, primarily, is the only one that has petitioned the Attorney General for an investigation and report, assuming in the next six months that twelve towns or fifteen towns gather fifty people together to petition the Attorney General to review the same problem in their area, if the Attorney General needs now \$15,000 to investigate one town, what is he going to do if he has fifty or more petitions from fifteen or twenty different towns? What action will he be able to take then?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Partially in explanation to the remarks made by the gentleman from Madawaska, there was certainly some information that did not come to the Appropriations Committee at the time we heard this bill, and the people who have spoken here in opposition to it from Bangor did not appear before the Appropriations Committee. It was clear to the committee that the Attorney General had no doubt in his mind that he had no choice but to pay attention to this petition which he received. And I presume that if a petition were received from Madawaska or Portland or some other area, that

he would take the same position. Undoubtedly if there wasn't money enough provided by this session so that he could do what he had to do with regard to these requests that he receives from over the state, the other alternative, obviously, would be to go to the Governor and Council and see if they would provide him probably with the money he needed if he didn't have enough to do the job.

The Appropriations Committee did find unanimously for this request.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to the Representative from Cape Elizabeth, Mr. Hewes, if I may. Since he has Title X, Section 1107 before him, could he advise us to whether or not the Attorney General has the authority of administrative search?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Danton, poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. HEWES: Mr. Speaker and Members of the House: In reply to the gentleman's question, I assume that the tenants who were visited by the Attorney General's office welcomed the Attorney General's investigator into their respective apartments. And it just seems to me that the Attorney General's office has done part of their job. They have laid the groundwork and now we should supply them with the funds to complete their work. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that An Act Appropriating Funds to the Department of the Attorney General, House Paper 1364, L. D. 1713, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 46 having voted in the negative, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Promote Governmental Reorganization and Efficiency" (S. P. 641) (L. D. 1812) (In Senate, passed to be engrossed) which was tabled earlier in the day and later today assigned, pending the adoption of House Amendment "A".

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Is this debatable, Mr. Speaker?

The SPEAKER: Is the gentleman opposed to House Amendment "A"?

Mr. SAHAGIAN: Yes I am.

The SPEAKER: Is it the pleasure of the House to reconsider the adoption of House Amendment "A"?

(Cries of "No")

The SPEAKER: The Chair will order a vote. All in favor of reconsidering the adoption of House Amendment "A" will vote yes; those opposed will vote no.

A vote of the House was taken. 57 having voted in the affirmative and 59 having voted in the negative, the motion did not prevail.

Mrs. Cummings of Newport offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-676) was read by the Clerk and adopted.

On motion of Mr. Farnham of Hampden, tabled pending passage to be engrossed as amended by House Amendment "A" and House Amendment "B" and specially assigned for tomorrow.

The Chair laid before the House the following matter:

An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations (H. P. 1375) (L. D. 1724)

which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. LUND: I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the rules be suspended for the purpose of reconsideration. Is there objection?

(Cries of "Yes")

The SPEAKER: The Chair will order a vote. All in favor of the rules being suspended for the purpose of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 92 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

On motion of Mr. Lund of Augusta, the House reconsidered its action of January 26 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

House Amendment "A" (H-675) was read by the Clerk.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "A" would make it a crime to be knowingly present where marijuana is deposited or kept. If adopted it will continue to be a crime in this state. Now at the hearing the Attorney General's office was represented and we were advised that there have been no prosecutions under this section.

It is my position, and I submit that it is unfair to convict a person for being knowingly present where there is marijuana. An example of how this law could be abused, as some hypotheticals, there could be problems as follows. You can have a situation where two young people at a college party are smoking marijuana. There are forty-eight others present that are doing nothing wrong. Those other forty-eight could be convicted and sentenced to eleven months in jail and \$1,000 fine. I submit that that is unfair.

Another example is the so-called Woodstock Festival—I guess there were some 400,000 people there. Let us assume that half of them were not using any drugs. Those half that were not using any drugs could have been convicted under this law and sentenced to eleven months in jail and a \$1,000 fine.

I think that with the passage of the amendment as provided some people may go free who are guilty, but I think everybody in this House agrees it is better to have a few guilty people getting off than many innocent people convicted. So I would move the indefinite postponement of this amendment.

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

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

Mr. LUND: Mr. Speaker and Members of the House: I rise in opposition to the motion to indefinitely postpone House Amendment "A".

I wasn't sure as I was listening to the debate as put forth by the gentleman from Portland whether we are talking about the same issues or not. Just perhaps to get the House straightened out as to what I understood this was all about, I will relate it as I understand the issues.

This bill in its original form was aimed at strengthening our enforcement of our laws relating to the violations of marijuana. At a previous session we reduced marijuana from a felony to a misdemeanor, which I concur with; but it makes it more difficult when you reduce it to a misdemeanor, it makes it more difficult to carry out an arrest. So this bill in its original form was aimed at strengthening our enforcement of the marijuana laws. This is what the bill is about; this is what the hearing was about; and this is all that I can recall being discussed at the time of the hearing.

I appeared and spoke for the bill, the Attorney General's office appeared, and I don't recall any opposition or any serious questioning from members of the

good Committee on Judiciary. When the bill came out it had a favorable report and it had a Committee Amendment, which you will find under H-659. I looked at the amendment and it appeared to limit the bill somewhat, so that it didn't apply to constables. Well I can't quarrel with this, constables oftentimes don't have the training of other police officers, so I didn't read every line of the amendment — which apparently was my mistake.

What I did not notice and what the gentlemen on the committee didn't bother to tell me, was that the amendment also took out a present provision of the law as it is now written on the books. That is the provision that Mr. Brennan referred to. This is the provision that makes it an offense to be present when marijuana is being used. Now the hearing wasn't about this; the hearing was about strengthening the marijuana laws, not weakening them.

It seems to me that if the gentlemen on the Judiciary Committee or Mr. Brennan would like to weaken the marijuana laws, would like to take out the provision that he has referred to, then perhaps he should put in a bill and we shall all have a chance to have a hearing on it, people who have feelings about it, both pro and con, could speak, and the Legislature could make a decision.

However, I would emphasize very strongly that if the Committee Amendment is adopted in its present form, what you all will be doing will be to make it impossible to enforce the law as it relates to so-called pot parties. It is a very practical simple matter. If somebody is engaged in the use of marijuana and there is a knock at the door, all they have to do is to throw the marijuana into a corner of the room, nobody has any marijuana in their possession, and there is no offense. Under the law as presently written there would be an offense under such circumstances.

I won't belabor the point any further, simply to oppose the motion to indefinitely postpone House Amendment "A", and ask the House to support me.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to advise the House that this was the unanimous committee report, it certainly is not a partisan measure. Everybody on the committee supported it without any question.

Now many questions were directed at the Assistant Attorney General in regard to this particular section of being knowingly present and if the good gentleman from Augusta, Mr. Lund remained at the hearing he would have got the benefit of those. And in regard to this possession aspect the law as it states right now, it says "possesses or has under his control." It doesn't mean that the marijuana has to be physically found on this particular person. So I would urge you again to indefinitely postpone the amendment, which is offered.

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

Mr. MARQUIS: Mr. Speaker, a question to either one of the gentlemen. If at a high school social event a couple of students are using marijuana or pot or what have you, either in the boys room or the girls room, or even out in the hall, if they are found theoretically every one of these students is liable. Am I right?

The SPEAKER: The gentleman from Lewiston, Mr. Marquis, poses a question through the Chair to any member who may answer if they choose, and the Chair recognizes the gentleman from Portland, Mr. Brennan.

Mr. BRENNAN: In response to the gentleman's question, if those two that are smoking marijuana are observed by several other people not doing any thing whatsoever, but as long as those several other kids know that these two are smoking marijuana they can be convicted for being knowingly present, and given eleven months in jail and a \$1,000 fine.

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

you are in favor of indefinite postponement of House Amendment "A" you will vote yes, if you are opposed you will vote no.

A vote of the House was taken.

72 voted in the affirmative and 58 voted in the negative.

Mr. Benson of Southwest Harbor requested a roll call.

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

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 Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: I don't know whether it happens to you, but any time I get in the presence of more than one attorney I get confused, and I am certainly confused on this one. It seems to me what the gentleman from Augusta, Mr. Lund, has said makes sense. But I am a little bit confused about some of the points that the gentleman from Portland, Mr. Brennan, has made, and I am not sure that anyone can straighten me out. But I would like to have someone else venture an opinion or two on this thing, and see if we might make some sense out of what I consider to be present confusion.

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

Mr. MARSTALLER: Mr. Speaker, could this item be tabled until the next legislative day?

Thereupon, Mr. Gauthier of Sanford requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled until tomorrow pending the motion of the gentleman from Portland, Mr. Brennan, that House Amendment "A" be indefinitely

postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 58 having voted in the negative, the motion prevailed.

The Chair laid before the House the following matter:

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of \$24,835,000 for the Construction and Renovation of Higher Education Facilities of the University of Maine" (S. P. 603) (L. D. 1778) reporting "Ought to pass" as amended by Committee Amendment "A" and Minority Report reporting "Ought not to pass" which was tabled earlier in the day and later today assigned, pending acceptance of either Report.

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

Mr. BRAGDON: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report, and I would like to make a few remarks with regard to this bill.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House accept the Majority "Ought to pass" Report, and the gentleman may proceed.

Mr. BRAGDON: Mr. Speaker and Members of the House: I tabled this bill this morning, or I asked to have it tabled, because I noted the absence of our esteemed Floor Leader, the gentleman from Cumberland, Mr. Richardson. I understand he is necessarily detained today because of extreme illness in the family. I knew he was very much interested in this bill, and its debate, and everything. And that was the reason that I felt that I would like to have it held up until his return.

However, since then I have been assured that we can perhaps facilitate the activities of this session by allowing this bill perhaps to go to its third reading. I would hope that members who wish to debate it might defer their debate until after the third reading, if that is agreeable with them. And, of course, amendments cannot be offered until that

time anyway. And with these few remarks, I hope you will go along with the acceptance of the Majority "Ought to pass" Report.

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

Committee Amendment "A" (S-411) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-413) was read by the Clerk and adopted in concurrence.

Tomorrow was assigned for consideration of adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto and for third reading of the Bill.

(Off Record Remarks)

House at Ease

Called to order by the Speaker.

The following paper from the Senate appearing on Supplement No. 6 was taken up out of order.

From the Senate: The following Joint Order:

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources report out a Bill authorizing a bond issue providing for pollution abatement (S. P. 651)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. HEWES: Mr. Speaker, I would like to pose a question to anyone that could answer as to how this order ties in with the \$50 million bond issue that was passed at the last general election?

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

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

Mr. BENSON: Mr. Speaker and Members of the House: There is no connection between the two. The pollution referred to in this joint order refers to the oil prob-

lems that we are presently wading through. This joint order would have the Natural Resources Committee report out a bond issue in the amount of \$4 million which will be a backup source for cleaning up major oil spills in the event that the coastal protection fund, which is referred to in the coastal conveyance legislation, is not large enough to carry out that function. So this is merely the necessary procedural way of getting the Natural Resources Committee to report out a bond issue bill for a backup \$4 million fund for the purpose of cleaning up major oil spills. Thank you.

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

Mr. HEWES: Mr. Speaker, I would like to pose a further question if I might to anyone that can answer. Can't the money, the \$50 million, part of the \$50 million that was voted by the last general election be used for oil cleanup?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a further question through the Chair to any member who may answer if they choose.

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

Mr. SNOW: Mr. Speaker and Members of the House: In answer to the gentleman's question, that is an entirely different subject that does pertain to the oil spill problem. And as you know, with this oil conveyance bill before us that we have been working on, it was necessary to come out with this type of protection. It couldn't be done in the same bill; it couldn't be done with an amendment, and that is why you have this bond issue coming up on this matter. We tried to bring the two of them out together.

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

Mr. BERMAN: Mr. Speaker, I would like to pose a question through the Chair. How was this figure of \$4 million arrived at?

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

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

Mr. BENSON: Mr. Speaker and Members of the House: I don't presume to become an instant expert on bond issues or on the cleaning up of oil, but it is my understanding that this was the compromise figure arrived at out of the hours of deliberation that have gone on between the many people involved in constructing and writing the coastal conveyance bill. Four million dollars seemed to be an adequate figure for cleaning up a major oil spill on our coast. And this bond issue would be voted by the people. Hopefully it will be a backup fund of money which will be available and which will be floated only in the event that there is a major oil spill and it is necessary to have funds to clean it up immediately. That is the purpose of this fund. These bonds will not be issued unless it becomes an emergency situation as the result of an oil spill.

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

Mr. JALBERT: Mr. Speaker, a further question. The money, if it should be floated through bond,

would immediately be reimbursed as soon as the fund would pick up by the barrel tax, is this so?

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses a question through the Chair to any member who may answer.

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

Mr. SNOW: Mr. Speaker, the gentleman is right in his thoughts on this. This money would be used in case of technicalities where the courts may have a decision to make in regard to the legality of this proposed L. D. This sum of money would be immediately available in case of an emergency.

The SPEAKER: The pending question is the passage of this Joint Order in concurrence. The Chair will order a vote. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 71 having voted in the affirmative and 30 having voted in the negative, the Joint Order was passed in concurrence.

On motion of Mr. Johnston of Fort Fairfield,

Adjourned until nine o'clock tomorrow morning.