

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

Monday, February 2, 1970

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

Prayer by the Rev. Mr. Claude Wivell of Farmingdale.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Paper from the Senate

From the Senate: The following Communication:

**THE SENATE OF MAINE
AUGUSTA**

January 30, 1970

Honorable Bertha W. Johnson

Clerk of the House of

Representatives

104th Legislature

Dear Madam Clerk:

The Senate today voted to Adhere to its former action whereby it Indefinitely Postponed — Joint Order Relative to Proposed State Liquor Store in the Town of Lubec (H. P. 1437).

Respectfully,

(Signed)

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Tyndale of Kennebunkport, it was

ORDERED, that Katherine Schneider of Kennebunkport and Wayne Desper of Kennebunk be appointed to serve as Honorary Pages for today.

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Donaghy of Lubec be excused from attendance for the duration of his illness.

On motion of Mr. Curran of Bangor, it was

ORDERED, that Mr. Keyte of Dexter be excused from attendance because of serious illness in his family.

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out to the House a Bill relieving elderly persons from property tax (H. P. 1456)

The **SPEAKER**: The gentleman may proceed.

Mr. **SUSI**: Mr. Speaker and Members of the House: I would like to explain the occasion for this order. This order does direct the Taxation Committee to report out a bill dealing with tax relief for the elderly. This came to us as part two of a bill which was in three parts. The first part dealt with wildlands taxation in the unorganized territory. The second part of the bill dealt with tax relief for the elderly, and the third part of the bill dealt with investigation of taxation in the unorganized territories.

These three parts were split by the Taxation Committee into three separate drafts and reported out, and some ten days later one part arrived here before us in a considerable different form from what we had voted it out in committee. The second part dealing with tax relief and the third part dealing with investigation of taxation in unorganized territory somehow disappeared. There are a thousand ways to kill a bill and the opponents to the wildlands taxation bill know all of them and they invented many of them. The opponents to wildlands taxation have no interest in this tax relief elderly bill except as a tool to kill the tax bill on unorganized territory.

Now we all expect to make an effort on legislation, we don't expect it to go through automatically, but I have during my period of service here in the Legislature come to admire and respect legislative processes and the members of the Legislature and the motivations of these members, many of whom I have gotten to know well; and it makes me sad that there are those on the scene here with such great power that they can so arrogantly act in removing bills from our consideration when these bills affect these privileged few.

To my best knowledge in this process there was no member of the Taxation Committee, all of

whom have been regular attendees here at this Legislature, who were consulted in any manner as to the action that was taken on these bills. Now as the practical effect of a disappearance of this bill in particular, the tax relief bill which I am asking through this order be reported out again, was to make it necessary for the proponents of tax relief for the elderly, and there are many in this Legislature, to move to attach this tax relief for the elderly feature to the wildlands tax bill.

If this action were taken, and I expect it would be, in that the wildlands tax bill would become an appropriations bill, and since it is widely recognized by the members of the Legislature that there are in this session insufficient funds to implement tax relief for the elderly feature, the end result, which is the result desired by the opponents to the wildlands tax is achieved when the bill is killed for lack of funds. I would hope that you would support this order this morning so that we may consider these two matters separately. Thank you.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of Mr. Susi's position; I would hope that you would let this order go through so that we can debate the two different bills on their merits. If the order was not passed, I am prepared to offer an amendment on third reading this morning, which is on your desks under L. D. 1830 and I am prepared to give a four-page speech. So if for no other reason I would hope that you would vote for the order so that you could get a reprieve from my impassioned rhetoric, at least for a few days.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Taxation Committee I wholeheartedly concur with the gentleman from Pittsfield, Mr. Susi. The tax relief for the

elderly is one of the highest priorities that we should have before us, and as I stated before these people have absolutely no way to supplement their income to combat this horrible inflation which is running away with the entire country. I certainly hope that at least this could have a fair hearing on its merits alone.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to address my remarks to the gentleman from Pittsfield, Mr. Susi, primarily. In view of the arrogance shown by the report of a previous bill that was for consideration before this august body, is there any indication that when this order is presented to the Taxation Committee, that the same arrogant manner may not be applied in reporting out the next bill?

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

Mrs. WHITE: Mr. Speaker and Members of the House: Thankfully I arise this morning in support of our Taxation Committee's House Chairman. It is not to my liking to be opposed to him. I too feel that there is a great need for help for our elderly citizens and I hope very much you will support this order and that we can talk about this and vote on it on its merits. Thank you.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: In answer to the question from Representative Levesque of Madawaska, I would say this — that the bills are already drafted and we unanimously wanted to do this in the first place. There was just a technical holdup here and we haven't found out exactly why that only one of the bills came out. So I hope this order certainly receives passage.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I support this order by the gentleman from Pittsfield, Mr. Susi, and in supporting it I would go along with the wildlands tax and be very much in favor of it. But I do not like the wildlands tax out separate and to go to General Fund. I hope that you will pass this order.

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

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

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the operation and function of the Women's Correctional Center at Skowhegan to determine in the light of a high per capita operating cost and overall contribution to the State whether the program and facilities should be continued; and be it further

ORDERED, that the Department of Mental Health and Corrections is directed to provide such information and technical assistance as the Committee deems necessary or desirable; and be it further

ORDERED, that the Committee report the results of its study at the next regular session of the Legislature. (H. P. 1457)

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BENSON: Mr. Speaker and Members of the House: A very brief explanation might be in order. This was distributed several days ago, and some of you might not quite recall. There was included in one of our appropriation measures the closing of the Women's Reformatory in Skowhegan.

The Appropriations Committee was in favor of the closing in the first instance. But it met with quite a bit of resistance at the public hearing, and we did not wish to go through another Bath Home situation in a special session. So we feel that the best part of judgment at this time would be to have the matter studied as it pertains to the per capita cost of housing the inmates there at the Skowhegan institution as it stacks

up against housing them at the institution in Massachusetts. So I feel that this order is one that should be passed at this time, and we will direct the Legislative Research Committee to report back to the 105th Legislature their findings in this regard.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to support the remarks of the gentleman from Southwest Harbor, Mr. Benson. This was apparently the general consensus of opinion of the very fine people from Skowhegan, and the thinking of the gentleman from Skowhegan, Representative Dam, when we had the hearing on this measure. I think this is a good way to approach it. And I think we can then come up with a sound program of having gone over the matter thoroughly if and when we decide to do anything.

I might further comment that as far as the Bath Home is concerned I don't know as I ever want to get tangled up with that again.

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

**House Reports of Committees
Ought to Pass
Printed Bill**

Passed to Be Engrossed

Mr. Lund from the Committee on Appropriations and Financial Affairs, acting by authority of Joint Order (H. P. 1438) reported a bill (H. P. 1455) (L. D. 1833) under title of "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities" and that it "Ought to pass."

Report was read and accepted and the Bill read twice.

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Education, acting by authority of Joint Order (S. P. 647),

reported a Bill (H. P. 1453) (L. D. 1831) under title of "An Act to Appropriate Funds for School Subsidies" and that it "Ought to pass"

Report was signed by the following members:

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

Minority Report of same Committee reporting a Bill (H. P. 1454) (L. D. 1832) under title of "An Act relating to Distribution of Funds for School Subsidies" and that it "Ought to pass"

Report was signed by the following members:

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

Reports were read.

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

Mr. RICHARDSON: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House accept the Majority "Ought to pass" Report.

Thereupon, on motion of Mr. Levesque of Madawaska, tabled pending the motion of Mr. Richardson of Stonington to accept the Majority Report, and specially assigned for tomorrow.

Third Reader

Tabled Later in the Day

Bill "An Act Increasing State Tax in Unorganized Territory" (H. P. 1448) (L. D. 1824)

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

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

House Amendment "A" (H-681) was read by the Clerk.

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

Mr. SUSI: Mr. Speaker and Members of the House: As this bill was reported out by the committee, the funds derived from a tax increase were undedicated, they would go to the General Fund. As it arrived before us, the bill in its present form would dedicate the revenue from any tax increase to a particular use or chapter which doesn't exist in the books, and which is contingent on our passage of a tax relief bill. The effect of the amendment would be to undedicate any funds derived from a tax increase so that they would go to the General Fund. Thank you.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am very much against this amendment. If we are going to put a wildlands tax on at this time, in this special session, I believe it should be dedicated revenue to tax relief for the elderly. And that is just exactly what we are working toward under this L. D. that is on our desk under 1830. That is what is already in this Bill 1824, it says, tax relief and increasing state tax in unorganized territory.

If we pass this amendment that Mr. Susi has presented this morning, that money will go into the General Fund, and from there on we don't know what will become of it.

I know I can only debate the amendment, and I hope I do not leave it. But I would like to tell you just what is happening here. I believe we all came down here to this session with the idea there would be no tax, major tax, against any group in the state. And here we are presenting a tax to go to General Fund that will hit the same group that we put a four percent corporation tax on last year.

But if this would go to the relief for elderly on their property tax, that is real estate, I do not believe that anyone would object too much to it. I don't even believe the landowners would. It isn't the feeling of the groups of the state to have a wildlands tax at this time. If I may—and I hope it goes along with the amendment

—I would like to read you a little item I have here.

In December our Chief Executive talked with the major land-owners and he told them that he felt there should be a thorough study of Maine's taxation of woodlands. They agreed with him. They agreed to a study at the Taxation Committee hearing and they agree today.

They claim they have nothing to fear from a study because they feel they are paying more than their share.

At the beginning of the last decade, Professor Sly made a thorough study of wildlands taxation and he concluded, and I quote: "There is no evidence that would support an increase in property taxes on the forest industry because of favored treatment of its property as opposed to municipal property."

He also recommended at the beginning of this decade we should study before we act. It does not make sense to increase this tax by 67 percent without knowing what we are doing.

That is what we are doing here, we are increasing it. But again, as I say, I would not go against the tax if it is to be used for tax relief for the elderly. But to take this out now, that Mr. Susi has amended out, this Chapter 105, Subsection 4A, which really isn't part of the law at the present time, but would be with 1830 attached.

I do hope that you would vote against this amendment. But if this amendment does pass I believe this bill should be tabled by some lady or gentleman of the House until the time when we can find exactly what this money is going to be spent for.

And I would like to mention a little something — I guess it wouldn't be an argument against the amendment. So with that in mind I hope you will vote against this amendment.

On motion of Mr. Levesque of Madawaska, tabled pending the adoption of House Amendment "A" and later today assigned.

**Passed to Be Enacted
Emergency Measure**

An Act relating to the Commitment of Juveniles to Juvenile In-

stitutions (H. P. 1382) (L. D. 1731)

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. 117 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Bond Issue

Passed to Be Engrossed

An Act to Authorize Bond Issue in the Amount of \$16,400,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine (S. P. 603) (L. D. 1778)

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

On motion of Mr. Bragdon of Perham, the House reconsidered its action of January 30 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto.

On further motion of the same gentleman, the House reconsidered its action of January 30 whereby Committee Amendment "A" was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-688) was read by the Clerk.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The suggestion for this amendment comes from the trustees and the chancellor of the University of Maine. It is nothing that originated in the committee. I think perhaps I can better explain my position by reading into the record a statement from the chancellor which I have with me.

"TO: Members of the 104th Legislature

FROM: Donald R. McNeil, Chancellor, University of Maine
SUBJECT: Request for Amendment to Capital Construction Program

I respectfully request that the project Sewage Treatment Plant at Gorham State College be dropped from the list of capital construction projects previously submitted. This project can be postponed as a result of several developments, as follows:

1. Apparent approval and funding of an emergency project to increase the capacity of the existing plant. This project will cost \$85,000 and is contained in L. D. 1632 now on the appropriations table. Included in the project is work which diverts the storm sewer system from the existing sewage system thus increasing the capacity of the latter. It is estimated that the present system as changed can serve campus needs for 3-5 years, thus permitting a postponement of the major construction.

2. The Legislature has, very wisely, included \$291,800 for planning in the capital construction program. Part of this will be used if the referendum is successful in planning a sewage system which will be not only compatible with the municipal system but an integral part of that system. Recent conversations with officials of the Portland Water District indicate that planning is about to begin for sewer interceptor lines and a treatment plant for the Gorham area. Construction is planned to commence in late 1972. The University will have major construction responsibilities for a delivery system but at this point the exact work and cost is indeterminable. Again, it seems appropriate to postpone this project until more planning has been completed.

This request also reflects the judgment of engineers in the Bureau of Public Improvements and is approved by the President of Gorham State. We regret that the request comes to the Legislature so late in the special session but feel that we will have a better project to present to the Legislature and the people after additional planning."

I guess I have moved the acceptance of this amendment.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted. Committee Amendment "A" as amended by Senate Amendment "A" and House

Amendment "B" thereto was adopted in non-concurrence and the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Passed to Be Enacted

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

An Act relating to Water Quality Standards (S. P. 650) (L. D. 1828)

An Act relating to Easements in Lands (H. P. 1336) (L. D. 1665)

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

Orders of the Day

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

MAJORITY REPORT (6) — "Ought not to pass"—Committee on State Government on Bill "An Act relating to Powers and Duties of the Attorney General" (S. P. 588) (L. D. 1743) and MINORITY REPORT (4) reporting "Ought to pass" (In Senate, Minority Report accepted and Bill indefinitely postponed)

Tabled — January 30, by Mr. Dennett of Kittery.

Pending — Acceptance of either Report.

On motion of Mr. Rideout of Manchester, retabled pending acceptance of either Report and specially assigned for tomorrow.

Mr. Noyes of Limestone was granted unanimous consent to address the House.

Mr. NOYES: Mr. Speaker and Ladies and Gentlemen of the House: During the past week, since the adoption of Joint Order 633, there have been numerous articles concerning the sugar beet industry in the Maine newspapers. At the time of the vote for the Joint Order, I abstained from voting by request of certain members of the this body as I was told that myself and my company would be embarrassed by involving myself in the debate.

However, in light of the events of the past week, and I specifically

refer to certain newspaper articles, and in light of conversation with members of my constituency, I have been requested by them to deliver my thoughts upon this matter.

First, I would like to point out that on March 4, 1965 that the then president of the Maine Sugar Beet Growers' Association gave his opinion of grower interest in Aroostook County in regard to the production of sugar beets to the Area Redevelopment Administration — U. S. Department of Commerce, Washington, D. C. and I quote, "During 1964, farmers were contacted for acreage commitments to grow sugar beets and for pledges to purchase third mortgage bonds to assist in the construction of a sugar beet processing plant.

The result was requests by 766 farmers for acreage allotments totalling 61,509 acres of sugar beets and subscription for \$3,010,840 of third mortgage bonds.

Subsequently, in order to assure availability of credit when necessary, various banks, Production Credit Associations and the Farmers' Home Administration offices in the county appraised the list mentioned above and approved for credit pledges of \$1,972,000."

In 1964, Maine Sugar Industries, Inc. and its chairman F. H. Vahlsing, Jr. was not in the picture and was not in any way connected with the representations of farmer interest totalling 61,509 acres of sugar beets.

In late 1964 when Great Western Sugar Company withdrew from their commitment to build a sugar refinery in northern Maine, I was personally present at a meeting where the president of the largest bank in northern Maine, the president of the Maine Sugar Beet Growers' Association and the president of the local development corporation, which was spear-heading the beet plant industry, represented to Mr. F. H. Vahlsing, Jr. how necessary this industry was to northern Maine. In addition, they represented that the growers had the above acreage of interest of sugar beets.

It was at this meeting at which I was present in which Mr. F. H. Vahlsing, Jr., after listening to the

representations outlined above, decided to build a sugar industry in northern Maine.

The sugar factory was built and to date there is no one whom I know either in the sugar industry or outside the sugar industry that can deny that we have one of the finer sugar beet plants in the world.

In addition, to the State Guaranty loans which total \$10,250,000 to this sugar industry and in addition to the Federal, direct and indirect loans to this industry of \$12,345,300, Mr. F. H. Vahlsing, Jr. and the stockholders of America who bet their money on the farmers of northern Maine endorsed this project in the amount of \$18,446,671 based upon representation and belief that the farmers of northern Maine could and would grow sugar beets.

I stand here today to tell you again that a sugar beet plant must have sugar beets—without sugar beets no sugar plant can survive.

As a result, I would like to suggest that a motion be made in the interest of the State of Maine, the United States Government, the sugar beet industry and in the interest of some 9,500 stockholders participating in this endeavor that the \$75,000 which was allocated for a study of Maine Sugar Industries, Inc. be matched with \$75,000 to be used to show the farmers of northern Maine, who have consistently averaged far below the national average, how to grow sugar beets.

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

Bill "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814) (In House, passed to be engrossed) (In Senate, passed to be engrossed as amended by Senate Amendment "A" and Senate Amendment "B") (S. "A" S-410, S. "B" S-412)

Tabled — January 30, by Mr. Kelley of Machias.

Pending — Further consideration.

On motion of Mr. Benson of Southwest Harbor, tabled pending further consideration and later today assigned.

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

Bill "An Act Permitting the Town of Madawaska to Join School Administrative District No. 33 Under Certain Conditions" (H. P. 1450) (L. D. 1826)

Tabled — January 30, by Mr. Brennan of Portland.

Pending — Passage to be engrossed.

Mr. Levesque of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-687) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act Abolishing Full-Time County Attorneys and Increasing Salaries of Certain County Attorneys and Assistant County Attorneys" (H. P. 1449) (L. D. 1825)

Tabled — January 30, by Mr. Crosby of Kennebunk.

Pending — Passage to be engrossed.

Mrs. Lincoln of Bethel offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-684) was read by the Clerk and adopted.

On motion of Mrs. Baker of Orrington, retabled pending passage to be engrossed as amended and specially assigned for tomorrow.

The Chair laid before the House the fifth 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) (In Senate, passed to be engrossed as amended by Senate Amendment "A" S-399) (In House, Senate Amendment "A" and House Amendment "A" H-673 adopted)

Tabled — January 30, by Mr. Levesque of Madawaska.

Pending — Passage to be engrossed.

On motion of Mr. Jalbert of Lewiston, retabled pending passage to

be engrossed and specially assigned for tomorrow.

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

Bill "An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations" (H. P. 1375) (L. D. 1724) (In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-659))

Tabled — January 30 by Mr. Lund of Augusta.

Pending — Motion of Mr. Brennan of Portland to indefinitely postpone House Amendment "A" (H-675) (Roll Call Ordered)

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: This issue was debated at some length last week, and I am not going to bore you this morning by debating it any further. However, I would like to make very sure that the House understands clearly the effect of what it is doing in whichever of the two courses it decides to follow on this this morning.

At the present time there is pending a motion to indefinitely postpone House Amendment "A" which is the amendment I offered, which would leave on the books a provision that we now have that makes it unlawful to be knowingly present in a room where marijuana is being used. Now the amendment that I am offering does not—the difference in my position and the position of the gentleman on the committee is not that I am seeking to put some new law on the books with this regard, but whether or not we are going to take off the books a law we now have that makes it a misdemeanor to be present in the room where marijuana is being used, if you know that marijuana is being used in the room.

Therefore, if you feel that we should take off the books that law which we now have, I would suggest that you vote to indefinitely postpone House Amendment "A". If you feel that provision should remain on the books, then you should vote against the pending motion to indefinitely postpone. I

might simply add in passing that in discussing this provision that is now on the books, I don't recall that the opponents to it cited any instances in which it had been misused or abused, but in any event, that is the issue. If you want to take that present law relating to presence in the room, in a place, knowing that marijuana is being used, if you want to take that off the books, you would vote to indefinitely postpone House Amendment "A"; if you want to leave it on the books, vote against the indefinite postponement motion.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I frankly don't think it makes much difference which way you vote on this particular amendment. The amendment, as offered by the gentleman from Augusta, Mr. Lund, would delete the word "constable". Now this is already done by a House Amendment that is presently on the bill. So it really doesn't make too much difference, except for the sake of clarity, this amendment should be killed to delete "constable" because it has already been done.

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

Mr. LUND: Mr. Speaker and Members of the House: To further clarify the procedure, in the event that the House happens to vote against indefinite postponement of House Amendment "A", I would then move to indefinitely postpone the Committee Amendment, which is the amendment which takes off the provision of the law that we now have.

The SPEAKER: A roll call has been ordered. The pending question is indefinite postponement of House Amendment "A". If you are in favor of indefinite postponement of House Amendment "A" you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA—Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Casey, Coffey, Corson, Cote, Cot-

trell, Cox, Crommett, Curran, Curtis, Drigotas, Dudley, Fecteau, Foster, Fraser, Gauthier, Giroux, Goodwin, Hall, Haskell, Heselton, Hunter, Jameson, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Marstaller, McKinnon, McNally, McTeague, Moreshead, Nadeau, Norris, Rand, Ricker, Rocheleau, Scott, C. F.; Sheltra, Snow, Soulas, Temple, Thompson, Vincent, Wheeler, Wood.

NAY — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Couture, Crosby, Croteau, Cummings, Cushing, Dam, Dennett, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Finemore, Gilbert, Hanson, Hardy, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Meisner, Millett, Mitchell, Mosher, Page, Payson, Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Ross, Sahagian, Scott, G. W.; Shaw, Stillings, Susi, Tanguay, Trask, Tyndale, White, Wight.

ABSENT — D'Alfonso, Danton, Donaghy, Fortier, A. J.; Fortier, M.; Good, Harriman, Johnston, Jutras, Keyte, Laberge, Martin, Mills, Morgan, Noyes, Ouellette, Rideout, Santoro, Starbird, Waxman, Williams.

Yes, 57; No, 72; Absent, 21.

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

Thereupon, House Amendment "A" was adopted.

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

Mr. LUND: Mr. Speaker, 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?

(Objection from the floor)

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

A vote of the House was taken. 83 having voted in the affirmative and 44 having voted in the negative, 83 not being two-thirds, the rules were not suspended.

Thereupon, on motion of Mr. Lund of Augusta, retabled pending passage to be engrossed and later today assigned.

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

Bill "An Act Prohibiting Dumping of Out-of-State Waste Matter" (S. P. 645) (L. D. 1820) (In Senate, passed to be engrossed) (In House, House Amendment "B" H-685 adopted)

Tabled — January 30, by Mr. Hewes of Cape Elizabeth.

Pending — Passage to be engrossed.

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

Mr. HEWES: Mr. Speaker, I move that this be passed to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker, I would inquire as to whether or not this bill contains a blanket prohibition of the dumping of out-of-state waste matter, or does it contain regulations and provisions as it is presently amended to permit dumping of out-of-state waste under control by the Environmental Improvement Commission?

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and later today assigned.

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

Mr. JALBERT: Mr. Speaker, out of order I would present an order, and I would move that the rules be suspended so that I could read the order myself.

The SPEAKER: The Chair would rule that this is a dilatory motion, but under the circumstances, the Chair will entertain it.

The gentleman from Lewiston, Mr. Jalbert, offers an order out of order, is there objection? The

Chair hears none. The gentleman will read the order.

Mr. JALBERT: Mr. Speaker and Members of the House:

WHEREAS, the Members of the House of Representatives have learned that today is the date of birth of Mrs. Bertha W. Johnson, Clerk of the House of Representatives; and

WHEREAS, the one thing Mrs. Johnson wants most for her birthday is not to be reminded of it; and

WHEREAS, her warm-hearted service and endless patience to the Members of this House is greatly appreciated; now, therefore, be it

ORDERED, that the Members of the House of Representatives of the 104th Legislature now assembled in special session, extend to Mrs. Johnson its most sincere congratulations on this special occasion; and be it further

ORDERED, that a duly authenticated copy of this Order be presented to Mrs. Johnson by the Speaker of the House, in token of our esteem.

Mr. Speaker, I move with unanimous acclaim that this order receive passage.

Thereupon, the Order received passage. (Applause, Members rising)

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

Non-Concurrent Matter Tabled Later in the Day

Bill, "An Act Permitting the Town of Winterport to Join School Administrative District No. 22 or School Administrative District No. 56 under Certain Conditions" (H. P. 1451) (L. D. 1827) which was passed to be engrossed in the House on January 29.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence. (S. "A" S-417)

In the House:

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I would inquire through the Chair if

the Amendment S-417 has been prepared for distribution?

Thereupon, on motion of Mr. Millett of Dixmont, tabled pending further consideration and later today assigned.

(Off Record Remarks)

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

On motion of Mr. Jalbert of Lewiston,

Recessed until three o'clock in the afternoon.

After Recess

3:00 P.M.

The House was called to order by the Speaker.

Matters appearing on Supplement No. 2 that were tabled to later in the day were next taken up.

The Chair laid before the House the following matter:

Bill "An Act Increasing State Tax in Unorganized Territory" (H. P. 1448) (L. D. 1824) (House Amendment "A" H-681) which was tabled earlier in the day and later today assigned, pending the motion of Mr. Susi of Pittsfield to adopt House Amendment "A".

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

The Chair laid before the House the following matter:

Bill "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814) (In House, passed to be engrossed) (In Senate passed to be engrossed as amended by Senate Amendments "A" and "B") (S. "A" S-410, S. "B" S-412) which was tabled earlier in the day and later today assigned, pending further consideration.

On motion of Mr. McTeague of Brunswick, the House voted to recede and concur.

The Chair laid before the House the following matter:

Bill "An Act to Permit Probable Cause Arrest on Marijuana Mis-

demeanor Violations" (H. P. 1375) (L. D. 1724) (In House, Committee Amendment "A" and House Amendment "A" adopted) (C. "A" H-659, H. "A" H-675).

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

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

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

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

Mr. BRENNAN: I object.

The SPEAKER: A vote will be taken on the motion to suspend the rules. For what purpose does the gentleman arise?

Mr. RICHARDSON of Cumberland: To inquire of the Chair whether or not a motion seeking suspension of the rules is debatable.

The SPEAKER: A motion preceding suspension of the rules is not debatable.

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

Mr. MORESHEAD: Parliamentary inquiry, please.

The SPEAKER: The gentleman may pose his inquiry.

Mr. MORESHEAD: If this motion failed once already today, is it in order before the House this afternoon?

The SPEAKER: The Chair will rule and it is a matter of rule, that if intervening business has transpired it will be in order. Intervening business having transpired, the motion to suspend the rules is in order.

Whereupon, Mr. Ross of Bath requested that the vote be taken by the yeas and nays.

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

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 Southwest Harbor, Mr. Benson, that the rules be suspended for the purpose of reconsideration. If you are in favor of the rules being suspended you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Cummings, Curtis, Cushing, Dennett, Drigotas, Durgin, Dyar, Erickson, Farnham, Finemore, Gilbert, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Meisner, Millett, Mitchell, Mosher, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams.

NAY — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Corson, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, D'Alfonso, Dam, Dudley, Eustis, Faucher, Fecteau, Foster, Fraser, Gauthier, Goodwin, Heselton, Jalbert, Laberge, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McKinnon, McNally, McTeague, Moreshead, Morgan, Nadeau, Norris, Noyes, Santoro, Sheltra, Starbird, Temple, Vincent, Wheeler, Wood.

ABSENT — Danton, Donaghy, Emery, Evans, Fortier, A. J.; Fortier, M.; Giroux, Good, Harriman, Hunter, Jameson, Johnston, Jutras, Keyte, Lawry, Mills, Ouellette, Ricker, Rocheleau, Tanguay, Waxman.

Yes, 74; No, 55; Absent, 11.

The SPEAKER: Seventy-four having voted in the affirmative

and fifty-five in the negative, seventy-four not being two thirds, the motion to suspend the rules does not prevail.

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

Mr. BENSON: Mr. Speaker, is the bill debatable now?

The SPEAKER: The bill is still debatable on the engrossment stage.

Mr. BENSON: Mr. Speaker and Members of the House: My only purpose in asking for suspension of the rules was to clear up what I considered to be a rather nasty gash, and that is we have two amendments on here — they are conflicting amendments. I think it is poor legislation to pass a bill along with two conflicting amendments. If this is the way we are going to do business, okay, but I don't think it is a good way.

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

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

Whereupon, Mr. Benson of Southwest Harbor requested a vote.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this matter be tabled until the next legislative day pending passage to be engrossed. A vote has been requested. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was as confused as the gentleman from Southwest Harbor, Mr. Benson. When he said we had two conflicting amendments, I assumed that the only right thing to do then was to table this matter in order for us to be able to get out of a possible dilemma. Now wherein it creates this problem here, I feel that somewhere along the line that this is another attempt for the

criminal lawyers in the House to lower the thinking that we had at the regular session.

I can recall very vividly after a one and a half hour debate in this House, a resounding vote of 117 to some 20 votes, and then the bill coming back from the other branch ignored as far as our thinking is concerned, like we just didn't exist, at the last session of the Legislature.

Now I don't want to see anyone get records because they are possibly witnesses in some of these areas. I don't want to see anyone who would be unduly harmed because they are an innocent bystander. But somewhere along the line, gentlemen, somewhere along the line, we must draw the line.

Marijuana was known to have been used in this building only two weeks ago, and I have proof positive of it. Now we have laws that just because you are 16, 17 and 18, you just can't go through a stop sign, you just can't drive an automobile with all the booze in the world inside of you, and just go by the board as if nothing happened. Now I have never been a user of drugs, but I know plenty of people that have used them, and I know a lot of people that do use them, and I know how damaging it is.

Now I presume, Mr. Speaker, that a further motion to table this matter would not be in order. But I do hope, Mr. Speaker, for the purpose of being able to make another motion to table, to get ourselves out of the haze that we are in, like the smoke from a weed, I will now make a motion that this bill and all of its accompanying papers be indefinitely postponed, hoping that someone will table my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that Item 3, L. D. 1724 be indefinitely postponed.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: As the members of the House know, Committee Amendment "A" and House Amendment "A" are inconsistent with one another. The House this morning adopted in

principle, following the argument and the debate, and I might say the lucid explanation that was given by the gentleman from Augusta, Mr. Lund, the House in its wisdom adopted House Amendment "A".

In order to cure the inconsistency it was necessary to suspend the rules and reconsider the adoption of Committee Amendment "A", so that it could be indefinitely postponed, since it does not reflect the majority will of this House.

The gentleman from Portland, Mr. Brennan, for reasons best known to himself, has taken the very extraordinary position of denying suspension of the rules in order that the House may reconsider adoption of Committee Amendment "A". And I think that is some kind of a legislative first, when we don't permit the majority will of this House to be expressed, and has been expressed with respect to House "A" and by implication at least to Committee "A".

Now rather than sit here and twist around, and go back all through this whole mess again, and rather than indefinitely postpone a bill which has substantial merit, that is without reference to the question that is posed on Committee Amendment "A", I would suggest to you that we allow the bill to go to the other body, and then perhaps when it comes back here the majority will will prevail, and the sense of the House that was voted in favor of House Amendment "A" will be allowed to be expressed. I hope that you will vote against indefinite postponement, I request a division when the vote is taken. I then hope we pass the bill to be engrossed in this terribly inconsistent position and perhaps when it comes back we won't have the people resorting to parliamentary devices in order to frustrate the majority will of this Legislature after it has heard debate and heard argument, and made its decision.

And one more thing. I share, as I know every person in this House does, the gentleman from Lewiston, Mr. Jalbert's concern about the marijuana problem, and I for

one intend to vote for the bill as amended by House "A". And as far as I am concerned, that is the only way it ought to pass.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: I am frankly bewildered by the Majority Leader's new found concern with parliamentary courtesy. I saw none of it about ten days ago. In fact it was an absolute disgrace.

But talking about these conflicting amendments, that is a phony argument. The amendment offered by the gentleman from Augusta, Mr. Lund, deletes the word "constable" which was already deleted in the House Amendment which has been adopted by this House.

Frankly, Mr. Lund's amendment is superfluous, and there is nothing conflicting about it. The objective here is to get back to a situation to make it a crime to be present where marijuana is deposited or kept. Now I think the majority will of this House is against that. It is very unfair, and I think it was pointed out well by the question of Mr. Marquis last week, when he asked whether or not if some kids just happened to be with somebody else who was smoking marijuana were they subject to conviction. The law is clear they would be subject to a conviction, even though they themselves were not participating, and they could be fined \$1,000 and sentenced to eleven months in jail, and ruined for life.

True, if this bill goes through in its present form maybe a few guilty people will go free. There is no question about that. But also if it goes through in its present form, many innocent people will be protected. And as far as the motion to indefinitely postpone, I have no feeling one way or the other.

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

Mr. JALBERT: Mr. Speaker, I withdraw my motion to indefinitely postpone this measure in view of the explanation made by the

gentleman from Cumberland, Mr. Richardson.

Thereupon, 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:

Bill "An Act Prohibiting Dumping of Out-of-State Waste Matter" (S. P. 645) (L. D. 1820) which was tabled earlier in the day and later today assigned, pending passage to be engrossed.

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

Mr. FINEMORE: Mr. Speaker, and Ladies and Gentlemen of the House: I am not going to oppose this bill, but when I ride back over to New Brunswick this year, which I will be next Saturday, if this bill happens to pass I wonder what they are going to say. It says "An Act Prohibiting Dumping of Out-of-state Waste Matter." Let me tell you we are dumping plenty of it into New Brunswick, and we will continue to dump it. And I wonder, I think if this bill passes I should send them a copy of it, so they can see how well we are doing for our own state, and how poor we are doing for the Province of New Brunswick.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I have posed an inquiry to the Attorney General's Office concerning the constitutionality of this measure, and an amendment is being prepared, and I would appreciate it if it could be tabled until tomorrow morning.

On motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Permitting the Town of Winterport to Join School Administrative District No. 22 or School Administrative District No. 56 Under Certain Conditions" (H.

P. 1451) (L. D. 1827) which was tabled earlier in the day and later today assigned, pending further consideration.

Thereupon, the House voted to recede and concur.

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

**House Report of Committee
Ought to Pass with
Committee Amendment
Passed to Be Engrossed**

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Termination Statements under the Uniform Commercial Code" (H. P. 1370) (L.

D. 1719) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted. Committee Amendment "A" (H-689) was read by the Clerk and adopted. Under suspension of the rules the Bill was read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

On motion of Mr. Durgin of Raymond,

Adjourned until nine o'clock tomorrow morning.