

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, February 3, 1970

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

Prayer by the Rev. Mr. Victor P. Musk of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

WHEREAS, recent research has shown that physical activities, sports and competitive athletics are a major means of reaching the retarded; and

WHEREAS, here is an area where they can succeed and start building a positive image, gaining confidence and self-mastery as well as physical development; and

WHEREAS, the special olympics program for the mentally retarded will be held in the City of Portland, Maine, on May 22nd and 23rd, 1970; and

WHEREAS, the ultimate goal of this program is to create opportunities for sports training and athletic competition for all retarded children; and

WHEREAS, a child improves his performance in the gymnasium and on the playing field; he also improves his performance in the classroom; at home and eventually on the job; and

WHEREAS, Governor Kenneth M. Curtis, Honorary Chairman of Special Olympics, has appointed an honorary committee drawing special attention to this forthcoming event, in support of a better way of life for the retarded; now, therefore, be it

ORDERED, that the Senate registers its support and commendation of this worthwhile and humane effort and forwards this Joint Order forthwith to the House of Representatives for concurrence. (S. P. 646)

Came from the Senate read and passed.

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

Conference Committee Report

Report of the Committee of Concurrence on the disagreeing action

of the two branches of the Legislature on

Bill "An Act Clarifying Laws Relating to the University of Maine" (S. P. 559) (L. D. 1634) reporting that the Senate recede from its action whereby the new draft (S. P. 632) (L. D. 1804) was passed to be engrossed; recede from adoption of Senate Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted therewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the House recede from its action whereby it accepted Report "A" reporting that it be referred to the 105th Legislature and concur with the Senate in accepting Report "B" reporting "Ought to pass" in new draft (S. P. 632) (L. D. 1804), adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

STUART of Cumberland
KATZ of Kennebec
— Committee on part of Senate.
RICHARDSON

of Stonington
MILLETT of Dixmont
HEWES of Cape Elizabeth
— Committee on part of House.

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

In the House, the Report was read.

The House receded from its action whereby Report "A" was accepted and the Bill referred to the 105th Legislature, and on motion of Mr. Richardson of Stonington, concurred in acceptance of Report "B".

The Bill was read twice.

Conference Committee Amendment "A" (S-419) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Members of the House: For the edification of the members, I won-

der if somebody would explain exactly what this has done.

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to any member of the Conference Committee, who may answer if they choose.

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

Mr. HEWES: Mr. Speaker and Members of the House: This L. D. 1804 had four basic parts to it. By the committee amendment we have agreed to go along with changing two of those parts and deleting two of the parts. The two that we are passing, one is just changing the name of the University and some of the various colleges, and the other allows the Chancellor to delegate to some of his staff duties that have been the Chancellor's. Under the law as passed in 1967 the Board of Trustees could delegate certain duties to the Chancellor only. Now the very final paragraph in the L. D. 1804 allows him to delegate further responsibilities to subordinates, which seems to be reasonable.

Now the other two that were not passed, that our committee voted against, were a provision that would have given the University of Maine eminent domain powers, that is the power of the University to take property of others under eminent domain procedures; and the second dealt with educational television. As you probably know, the present law relating to ETV, which is a subordinate of the University of Maine—part of the University of Maine's operation, prohibits the promotion of political and governmental activities.

We had quite a lot of discussion about this particular phase of the bill, because there was a proposal put in the other body that would have changed this, it would have allowed ETV to telecast what they felt were newsworthy items but they could not advertise or editorialize politically. There was a considerable discussion and it was this final item that delayed the Committee of Conference the most. There was substantial sentiment for the passage of this proposal that will allow the ETV to editorialize—do anything except editorialize or ad-

vertise. But the committee—particularly the other body could not go along with that particular provision.

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

Mr. LEVESQUE: Mr. Speaker, through the Chair may I pose another question to the gentleman from Cape Elizabeth, Mr. Hewes?

The SPEAKER: The gentleman may pose his question.

Mr. LEVESQUE: In the event that ETV, which is part of the University system now, would like to broadcast on their network something of a national nature by either the President or its staff that has to do with organization or reorganization, as I understand it now in the present law for ETV at the University, they are restricted in doing this or even doing this on the State of Maine level. In other words, conferences or debates between members of both political parties, if the present law is left on the books it even prevents ETV from being able to broadcast these to its people. Is that still in the law or has that been broadened?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a further question to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. HEWES: In answer to the gentleman's question, there has been no change in the existing law. Our Conference Committee did not alter the existing law relating to ETV and as you probably know the ETV authorities are very careful in not becoming embroiled or involved in political controversies. They have been subject to criticism by some members of this House I believe in the last year or two. If I am permitted to say, I personally would have been in favor of altering the ETV regulations in line with the proposal of one of the gentlemen from the other body, but in the spirit of compromise the committee came out with no change in the ETV regulations.

Thereupon, Conference Committee Amendment "A" was adopted in concurrence.

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

Messages and Documents

The following Communication:
 STATE OF MAINE
 OFFICE OF THE GOVERNOR
 AUGUSTA

February 3, 1970

Members of the House of
 Representatives of the 104th
 Legislature
 State House
 Augusta, Maine
 Dear Legislator:

I am transmitting a copy of **Significant Public Investment Needs for the State of Maine for the 1970-1975 Period.**

Undertaken by the State Planning Office with the cooperation of the New England Regional Commission, this second annual Public Investment Plan outlines goals and methods of action for legislative and administrative consideration.

I hope this document serves as the basis for a continuing discussion of future State goals.

Sincerely,
 (Signed) KENNETH M. CURTIS
 Governor

The Communication was read and ordered placed on file.

Orders

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

WHEREAS, the preservation and improvement of the Maine environment is of paramount concern to the Legislature; and

WHEREAS, the Legislature has delegated to the Environmental Improvement Commission primary authority and responsibility for such preservation and improvement, and has during recent sessions greatly expanded the scope of the commission's duties in this regard; and

WHEREAS, the commission has functioned as a part-time regulatory commission since its inception in 1941; and

WHEREAS, there is concern whether the part-time structure and the present organization of the

commission is best suited to carry out its expanded responsibilities with respect to preservation and improvement of the Maine environment; now therefore be it

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the operations and organization of the Environmental Improvement Commission, such study to include but not limited to the following areas of concern:

1. Should the commission, in view of the increased environmental responsibilities delegated to it by the Legislature, be decreased in size and its members appointed to serve on a full-time basis?
2. Should the commission conduct its license-issuing and enforcement hearings through hearing examiners?
3. Should one or more Assistant Attorneys General be detailed full-time to the commission?
4. Are commission pay scales sufficient to attract and retain competent staff personnel?
5. Is the commission staff properly organized and trained to carry out its responsibilities? and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations, including any proposed legislation, to the next regular session of the Legislature; and be it further

ORDERED, that the Committee is authorized to employ such professional and clerical assistance as it deems necessary within the limits of funds provided; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$1,000 to carry out the purpose of this order. (H. P. 1460)

The Joint Order was passed and sent up for concurrence.

Mr. Lewin of Augusta presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that there is appropriated to the committee created by Joint Order (S. P. 537) passed at the regu-

lar session of the 104th Legislature to make an analysis of the functions and duties of the Department of Inland Fisheries and Game, the sum of \$1,000 from the Legislative Appropriation to continue to carry out the duties of the committee. (H. P. 1461)

The Joint Order was passed and sent up for concurrence.

Mr. Crommett of Millinocket presented the following Joint Resolution and moved its adoption:

WHEREAS, the mystery and true meaning of the sea stimulated Miss Rachel Carson's classics, **The Sea Around Us**, **The Edge of the Sea** and **Silent Spring**, giving the world a deeper understanding of dangers associated with the indiscriminate use of D. D. T. and other pesticides and the unfortunate manipulation of nature; and

WHEREAS, thirteen hundred and five acres of salt water marsh along forty miles of Maine coast from Kittery to Portland have been set aside and named the Rachel Carson National Wildlife Refuge in honor of the late conservationist-author; and

WHEREAS, this national refuge, established in 1966, will be expanded to include four thousand acres of protected marshlands which are vital to migratory birds of the Atlantic Flyway and as a source of food for many forms of sea life, including clams and lobster; now, therefore, be it

RESOLVED: That we the Members of the Senate and House of Representatives of the State of Maine in the One Hundred and Fourth Special Legislative Session assembled, commend the Honorable Walter J. Hickel, Secretary of the Interior, and the members of the Migratory Bird Conservation Commission for the important role they have played in establishing and designating the Rachel Carson National Wildlife Refuge; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately transmitted by the Secretary of State to the Secretary of the Interior, the Migratory Bird Conservation Commission, and the

Maine Congressional delegation. (H. P. 1462)

The Joint Resolution was adopted and sent up for concurrence.

Mr. Marstaller of Freeport presented the following Joint Order and moved its passage:

WHEREAS, more and more land is being given to or taken by the State for conservation and recreational purposes; and

WHEREAS, the recreation and camping business is one of the growing industries in this State; and

WHEREAS, the State and private enterprise are both involved in providing recreational and camping areas; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study and report to the 105th Legislature the policies of the State relative to these areas, their effect on local communities and their effect in encouraging or discouraging private industry in performing these same functions. The study shall include but not be limited to number and locations of state and forest service facilities, fees charged, cost to the taxpayer, possibility of special rates to Maine citizens, possibility of contributions to municipalities where areas are located in lieu of taxes and possible legislation to clarify the role of the State in this important area. (H. P. 1463)

The Joint Order was passed and sent up for concurrence.

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Ouellette of South Portland be excused from attendance for the duration of his illness.

**House Reports of Committee
Ought to Pass in New Draft
New Drafts Printed
Assigned Later in the Day**

Mr. Hardy from the Committee on Natural Resources on Bill "An Act to Regulate Site Location of Development Substantially Affecting Environment" (H. P. 1415) (L. D. 1782) reported same in a new draft (H. P. 1458) (L. D. 1834) under same title and that it "Ought to pass"

The Report was read and accepted, the New Draft read twice and later today assigned.

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

Mr. HENLEY: Mr. Speaker, I would like to pose a question through the Chair to any member of that committee. In reading through the bill, I find on page five under Appropriations that they are only financing it for the fiscal year '69 and '70. It says that if any money left over by June 30, 1970 it shall be carried forward. But what is going to finance the activities of this commission if they use up their money by July or August in 1970? I wish someone could explain that to me.

The SPEAKER: Would the gentleman pose his question later in the day's session. This matter is no longer before the House.

Mr. Snow from same Committee on Bill "An Act relating to Coastal Conveyance of Petroleum" (H. P. 1417) (L. D. 1785) reported same in a new draft (H. P. 1459) (L. D. 1835) under same title and that it "Ought to pass"

The Report was read and accepted, the New Draft read twice and later today assigned.

Passed to Be Enacted Emergency Measure

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

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. 116 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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)

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. 119 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 Failed of Enactment

An Act to Authorize Bond Issue in the Amount of \$15,950,000 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.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I am not going to belabor this bill too much longer, because we had a pretty thorough discussion on it last week. But I might remind you that a bond issue for half this amount, less than half this amount, was turned down last fall. The items in it apparently are items that many of us feel are not absolute necessities at this time.

I am afraid that if we turn this out we are simply going to waste the people's time and money voting for it again. I realize that this will probably come on the primary election date; therefore there will be little extra cost in the election. But it will be another ballot to bother the people when they have already voted on this question.

In Penobscot County, the home county of the University of Maine at Orono, this bond issue was turned down last fall — the one similar to it was turned last fall by a vote of roughly 8900 to 6900. I think we should go slow on these things now. I don't think we should attempt in this Legislature at this time to override the wishes of the people. We have done so in one instance; I don't think we should repeat that error today.

I urge you to vote against this bond issue.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would merely repeat what I stated before. There was a bond issue that I was involved in, in my area. It was voted down three to one in one election, voted down then after the thing had been thoroughly explained, two to one. As I stated before and I repeat again, the bond issue as was presented before the people concerning the University of Maine had the worst public relations I have heard of or seen in all the times that I can remember.

The University of Maine trustees, for which we voted for in voting this so-called Super University program, have gone through a tremendous amount of work in setting their priorities for this program. The Appropriations Committee turned this measure out with a report, I believe it was nine for and one against. I think they did the work, recognized the effort. We have brought back the people involved, we have questioned them, there has been debate on it in both branches concerning the up and down of the program.

I think we now have it in proper order and I sure hope, Mr. Speaker and members of the House, when the vote is taken, the final passage of this bond issue will occur. I move that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: The yeas and nays have been requested.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: For some of the same reasons that I opposed the previous bond issue in this House, I oppose this one. I know the people in Penobscot County will defeat it even greater than they did last time, because they are being antagonized to a greater extent now and they know what is going on. They live near this monstrosity of an organization. For instance, just recently they have made it so that a Maine State

Police to go on the premises has to remove his uniform, and we see what the reason was, they don't want to incite a riot. The people that I represent feel as though one of the greatest ways to stop from inciting riots down there is to shut off some of their spending and feel as though that this may make them bring in a little better type of person into the college.

I am sure, I just feel just as sure as I am standing here that this is not going to pass by the people. I can't tell you what they will do in Androscoggin County, because Mr. Jalbert can probably get them to do anything he so desires; but I am not going to do that in Penobscot County, I am going to let the people do as they wish and as they see fit. And in this case I am sure they will defeat this by a very serious margin. Thank you.

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

Mr. CHANDLER: Mr. Speaker and Members of the House: I will try to confine this to fifty words or less. I think in the first instance Mr. Dudley of Enfield and Mr. Starbird of Kingman Township have uttered sad testimony to the apathy of the Maine voter, when only 15,000 voters in Penobscot County turn out for an election for a bond referendum of the seriousness of last November's. I think it behooves us as members of this Maine House to not only send this bond issue back to them — this particular bond issue being a new one, after great study, but it certainly behooves each and every one of us to explain to our voters the importance of this issue. Thank you.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Dudley I think made a pretty good point. I know in my area, in Bangor, this measure was turned down by over 400 votes. That was at a \$7½ million, and the way I feel and from what I understand from some of the people I have talked to in my area, this \$15 million is just a little too much for them to swallow and

I am afraid they are going to turn it down again in my town.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen: I fear that those who would like to do something for the University of Maine are really cutting their own throats when they have loaded this up with more lard than you can count for. Now I looked at the record of the vote throughout the State of Maine on last fall's bond issue on the University of Maine and it was less than half of what this calls for. We have I think 495 towns and cities in the State of Maine that cast their ballot on this issue. 410 of those communities voted down an issue half this size.

Now I think that if we can defeat this here today, legislatively it goes back to the other body and we can then have a Committee of Conference of some kind and we can take out parking lots, playing fields, utility buildings to bury that pitchfork that we saw on TV all last fall, and many other such items. Now there are items on here that must and should pass, but I think it is legislatively wrong to lard in some pork barrel items just to get votes.

So I hope the members of this House will turn this bond issue down — and that does not kill it. It will come back to us again during this session.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I concur with my friend Mr. Farnham from Hampden. I am not going to pass out slams at the Super University or the University of Maine. I feel that every one of these items the people that proposed them feel that they are an absolute need. What I question is the interpretation.

It seems to me the time has come when we have got to do a little bit of compromising in our various state departments, and the Department of Education is one of them. I am told that time after time by my constituency, not only with the Super University and the

University of Maine but with our lower grade schools in our various districts, we are told that they must find a way to compromise and spend a less percentage of our tax dollar on education; at the same time trying to turn out as good a quality.

Now isn't there such a thing possibly as accenting the plant more than we accent the product? The product, of course, is education. In that respect, I wonder if it is necessary to spend \$4 million for a physical education facility. Now I don't know. I am asking these questions, and of course somebody will say it is. Is it necessary for a dining hall and student union at Farmington to cost almost a million dollars? The big question is, are we spending too big a share of our educational funds on the facility?

I am not questioning the pay of teachers or the actual technical teaching aids and all of that sort of thing, but something should be done when the voters of last fall, in my area two to one, refused a bond issue of half the size, and I have been told time after time not to send it back to them because they will do the same thing. Now I would be remiss if I voted for this bond issue, especially when it is double the size that was turned down last fall.

I would like to also take issue with my good friend Mr. Chandler from Orono when he remarked for the record that we should not try to second guess our constituency. I submit that that is exactly what we are elected to do, is to try to represent our constituency, and to first and second guess them. If we don't we won't be here again. I feel that my constituency are definitely against a big bond issue for the University of Maine.

Now just what can be done is something else again. And we, as individuals in our own economy, cannot interpret a wish and a desire into a need, and then demand of our people that pay us that they pay us enough to pay for it. That is something that government has the advantage of. So I feel that a good many of these needs are interpreted, and originally are wishes.

And of course another thing that I have been asked, the percentage of our own students to out-of-state students. We are expanding our university, which of course it should be done. But are we expanding it for the sake of out-of-staters or for our own people? Now again, I have been told the ratio but I was told of one state university that does not take any out-of-staters until all of their own are accounted for.

Now that is another question which perhaps should be asked. I feel that the time has come when we must change policy on expenditures and cost of a lot of state agencies, and our educational department and the University of Maine is very definitely one of them. In the 104th Legislature less than a year ago we appropriated \$49.6 million for the operation of the Super University. That was 45% increase over the previous biennium. Now of course we feel that that was not considered perhaps as part of capital improvement and construction. But a lot of this stuff asked for is not capital improvement, it is repairs and maintenance. So people ask me, after such a huge appropriation, the largest in history, of only last year, why do they need another 15, 16, 18, or they originally asked for \$24 million in a bond issue.

Consequently I cannot vote for it and I hope that it is defeated at this time.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: The members that have spoken for and the members that have spoken against this bond issue have in our democratic system a right to voice their opinion. I think that the people last November voiced an opinion which they thought was right at the same time that we thought that we were right last year in putting this before the people.

Now if we are going to continue to support higher education so that our younger generation—and maybe that is wrong terminology, maybe our present generation would be a better word—to at least af-

ford them the opportunity of being able to go to a higher education facility of which we have a very good system in our state. I feel that if the people of Maine want to turn this down again, then this is the right of our democratic society. If we don't put it before the people of Maine, then they will say, "Well, the Legislature has, in its wisdom, done what they should have done."

Personally I feel that sometimes the Legislature takes action that may not be right, in my own personal opinion; and I think the general public feels the same way. Maybe the Legislature is in error in doing certain things that, if the people back home had a chance to vote on it, that they would change that entirely around. This Legislature in its wisdom one year ago sent matters to the general public for their consideration. This again is our democratic way of doing things.

The University indicates to us, through its system of priorities, of establishing priorities, and the Bureau of Public Improvements, which is an arm of our government also indicates a system of priorities. If the Chancellor and the Board of Trustees in their wisdom have indicated to us what their priorities are, and then the Legislature reviews it and establishes another set of priorities, then I think the general public has a right, as they presently have under our Constitution, to say to the members of the Legislature and to the different department heads in the state, whether they are doing the right thing or not. And that is to allow them the privilege to voice that opinion at the ballot box. It is, in my opinion, the only way that a democratic system can work.

If the members in your own constituency request you to voice your opinion before a group which they would like to have your opinion, then they will ask you to do so, or you can ask them to appear. This is also part of our democratic society. If you are asked to say something and you feel strongly for or you feel strongly against, then this is the opinion that you are going to give them, and the reasons.

I think the State of Maine and its higher education facilities need improving, need expanding, and I think this is one avenue that we must pursue and let the general public also give their opinion at the ballot box.

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 for a moment for you to take Committee Amendment "A" and very briefly for me to make some attempt on each individual project. If we are going to discuss the merits of the university bond issue, then I think it is important to some degree that we know what we are talking about.

Now first of all I think we have to remember that these are the recommendations of the University Board of Trustees. We have heard remarks this morning that some of these things are not needed. I am not fully aware of everything that is on here, and I cannot explain everything, but I am going to make an attempt for those of you that are interested.

First of all will you take a look at the Business and English, Math Building at Orono for \$2.3 million. This is a badly needed classroom building. The Physical Education plant or field in Washington for \$118,000 is simply to prevent students from having physical education in the mud. Classroom Building at Aroostook is to provide space for additional classrooms.

The South Campus Alterations is to provide \$500,000 for computer facilities there. The Library wing in Augusta is to be matched with about a quarter of a million dollars in Federal funds. The Student Center in Portland is to provide a place for commuting students to go to; and at the present time you have two old houses which accommodate 1,500 students on the campus, and they are probably equipped to handle 30. The Utility Building in Fort Kent is a badly needed facility, and I will agree with the gentleman from Hampden that it was a badly advertised item.

The roads and parking and utilities extension in Orono are both necessary if you are going to put in new buildings in the future and if you are going to keep the buildings that are there in proper order. The alterations and additions of \$150,000 in Portland are monies which should have been added or allocated some two years ago, where finally there was not enough money and so we have to finish the building this time. Underground systems in Gorham, this is the same thing as in Orono.

The Pulp and Paper Wing of the Chemical Engineering Building in Orono is to provide an up-to-date facility for the equipment that we have there, and I might add that most of the equipment in the pulp and paper industry is provided for by private industry within the State of Maine.

The central heating in Portland, \$300,000 is very easy to understand. The Darling Center Pier at Walpole is \$100,000, and this is easy enough also. This is a research center, and a very badly needed pier. The equipment for classroom building at Farmington is to finish a building which we raised the money for some four years ago. The Phys. Ed. field in Aroostook is no different than the one at Washington.

Farm relocation at Orono, if any of you have ever been there or stayed long enough to get the smell from the barn, you realize that the barns are now located in the center of campus and will have to be moved in short order unless you are going to have in effect a "cow palace."

The dining hall and student center at Farmington is a very badly needed facility. The completion of dormitory is again something which we have already built, and we need money to finish. The equipment for the auditorium at Fort Kent is again the same thing. The building is up, but there is not enough money to finish. This is caused by inflation and can be blamed upon no one.

The equipment for Bailey Hall and the dining hall at Gorham, again the same thing. The acquisition of a parking lot in Portland is to provide off-the-street park-

ing, and to prevent a real problem that is presently taking place. The Phys. Ed. facility at Orono we talked about at great length a week ago. The classroom Phys. Ed. education building at Fort Kent is to provide for the first time at Fort Kent a Phys. Ed. building, which at the present time it does not have.

Renovation of a hall at Gorham, if any of you have ever been there, you realize what a mess it is in. And the library at Washington is to provide a very badly needed facility.

You will notice that \$291,800 is for planning funds, and what we hope to do with this money, or I should say what we hope the Chancellor and his staff will do, is to provide money to do planning so that when he comes in we will know exactly what the costs of the buildings are going to be, and it is not going to be a hit and miss proposition.

Now the only question I want to answer posed by the gentleman from Norway, Mr. Henley, was this. The out-of-state student ratio in the State of Maine is one of the lowest in the country. And, for example, if you take Fort Kent, Aroostook, and Washington, the out-of-state number is less than four per cent.

The highest percentage of out-of-state student in relationship to in-state student is that at Orono at the University of Maine. There the number is close to 10 percent. But let me point out that within that 10 percent is a very large number of students that the State of Maine gets under the so-called New England Compact. And this is again something under which the State of Maine benefits, under which Maine students can go to any of the other five state universities in New England and get state tuition at their rate. So this is important that this be continued.

For example, we have at the University of Vermont some 31 students in medical school. And they are presently paying \$400. If this were not the case, then Maine would not have a possibility of being allocated the slots so

we would even have a place to send medical students.

And finally, let me point out that we are adding 1,200 students a year to the university complex. As the gentleman from Augusta, Mr. Lund, pointed out last time, this is like building a Colby every year.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: There are two facts that can be established as a basis for judgment in this area. First, is the present plant of the university excessive for the number of students involved? And this can be determined by a comparison of the university plant against national averages. And as I reported in the House when we debated this issue last, the current University of Maine plant does fall almost exactly within the national averages for plant investment for the number of students involved.

So it is possible to establish, in the first instance, whether or not the present plant is excessive or not. And in my view the university at the present time does not have an excessive plant for their student population.

Now the second fact which can be established as a basis of judgment is whether or not the proposed capital investment of \$16 million is excessive in view of current construction costs. And again it can be amply demonstrated on a factual basis that, in fact, if the University is going to build the plant to accommodate the proposed number of students, that is approximately 1,400 additional students, they must make this amount of capital investment. There is no alternative to it. They do not now have an excessive capital plant. If they are going to accommodate additional student body they must make this amount of capital investment.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am going to vote for the University of Maine bond issue, and I hope

that the electorate will support our judgment here.

I feel though we should be very circumspective in discussing these things here before this goes out. I think the bond issue must be as clean as a hound's tooth if it is going to survive next June—as I understand the referendum will take place. Now I have been rather worried myself and I have been rather surprised that on the floor of this House to date we have heard nothing about the general economic condition of our country mentioned.

As far as any of us know this recession that we are in is going to deepen the rest of this year. 1970 is already advertised as a poor economic year. And the signs are many that that will be so. Our gross national product has come to a standstill in its growth rate. Interest rates are increasing, and prices are increasing.

Some people think that that doesn't indicate a recession. But economists say that that can happen, and it is happening. Prices are apt to continue to go up, the interest rates are apt to continue to go up, and this recession is going to deepen. And they don't see any breakaway in it as far as I can determine until the last part of this year.

So if we look ahead a little bit this bond issue is going out in a very precarious time, and as I say, everything in it should be just as clean as a hound's tooth and should be in a position that all of us can support it next June.

I would like, before I cast my final vote—and I am going to vote for it no matter what happens. I have got to accept the judgment of the trustees. I have got to accept the judgment of the Appropriations Committee. I believe in education, but I would like to have a more complete explanation of this \$500,000, half a million dollar investment in bonds for a library here in Augusta where we do have this great State Library. Now I will be asked that question, I know, and maybe I will be asked other questions about this bond issue. And I hope that I can give great answers to this

necessity of this bond issue, even though the buildings aren't going to be built until later, even though the money isn't going to be borrowed until later, when I hope perhaps the economic skies of our nation are more clear and we can get money at less than 7.5, 8.5, or 6.9 per cent interest. I would, though, like to have a little more complete explanation of the need for a library in Augusta at this time.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I will be very brief, and before I finish I wish to pose a question through the Chair to anybody in the Appropriations Committee. And I want to state here that I am going to vote for the bond issue, maybe because I am a contractor, and contractor oriented and minded, knowing the costs and the way they are rising in the future. But I am wondering if you think this question is wrong.

Do the solons ignore the BPI budget priority ratings? I am going to be asked that when I get home, and if anybody in the Appropriations Committee would care to state as to whether they considered the priority ratings of the BPI, it would facilitate considerably my argument for the bond issue.

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, poses a question through the Chair to any member of the Appropriations Committee who may answer if they choose.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am afraid that I must admit that we have. We have not only done it this time, but we have done it increasingly over the past two or three legislative sessions. I grant that I don't think it is wise, but I must admit that I think we have somewhat ignored or not given sufficient time to look up the recommendations of the Bureau of Public Improvements. If that answers the gentleman's question.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I would like to attempt to answer the question posed by the gentleman from Portland, Mr. Cottrell, and the additional question regarding the recommendations of the Bureau of Public Improvements.

As to the Augusta campus, I would like to point out that the plans for Augusta at the present time do not contemplate a dormitory type institution, but an institution to which people commute as they do now from areas as far north as Aroostook County, from the coast, and from Oxford and Androscoggin County as well. This means that students come here and will be using the classroom which is under construction at the University of Maine campus at Augusta.

Once the class is over, these students will have a very real need for a place to go to study as well as a place to do the research which is required by their courses. I don't really think that it would be appropriate to have a cascade of several hundred students at a time pouring into the State House Library to attempt to use the facilities here, even if it were geographically feasible. I think you can visualize a serious parking problem. The use of a library in conjunction with a classroom situation at a commuter institution is different from the traditional use of the library that we contemplate. What it really means is a place to study, because bear in mind that these students will have no rooms of their own here.

As to the other question which was raised concerning the priority list established by the Bureau of Public Improvements, I would suggest that we have at the present time a problem of conflict in the statutes. The Bureau of Public Improvements has for many years established a list of priorities of capital improvements of all state projects. This has been needed because it is important for us as legislators to know which of the

institutions ought to have priority. In other words, is it more important to have an addition to a building at the State Hospital in Augusta or is it more important to have a new building at Pineland.

However, with the establishment of the Super University, had we had the courage to do so, I would suggest that we ought to have eliminated the preparation of a priority list by BPI for the university's capital improvement program, because the Board of Trustees are establishing their own priority list. And it seems to me rather superfluous to ask the Bureau of Public Improvements to establish an additional priority list, and it is difficult for us to see what standards or what tests they are going to use. It is hard for me to say that the BPI is better equipped to say whether it is more important to have a sewage facility at one institution or a new classroom facility at another.

So it is my feeling, and I think some of the committee share my feeling, that the BPI list as it is applied to the university facilities ought not to be followed, that it does have a function as applied to priority lists for other capital improvements, but now that we have a unified university, I think we can properly rely upon the trustees establishment as to what they feel are the educational priorities within the system. This constitutes the bill that you see before you with the Appropriations Committee establishing the level at which we felt the spending should be carried on.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote 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: There is one other thing that has not yet been mentioned and probably should be, and that is just a bit of the history in relation to this bond issue. As you will remember the wheels of the new University machine were set into motion about a year ago and a new Chancellor came onto the scene, new to the entire setup and situation, and I think very wisely declared a moratorium in building in the university system.

With the exception of \$7.5 million in what was considered by the trustees to be emergency items, after an absolutely horrendous public relations attempt, the \$7.5 million bond issue was defeated by the public and I feel unfortunately so.

Now in our deliberations here in the Legislature, as you all know, we have three readings of a bill and then we pass on it as a final enactor. I don't suggest that the public wants to follow this routine with bond issues; as a matter of fact, I think some of them would prefer that we would make the final decision on them right here.

But where the Constitution does call for the people to ratify bond issues, I do think that it is not completely inappropriate that we give them a second chance at one that is this important to the State of Maine. I think the importance of this issue demands that it be brought to the public's attention once again and I suggest that it is not going to be an imposition on their time because it is going to be before them in a primary election.

So I urge you to vote for this bond issue, let the people digest whatever information will be put before them between now and then, and let them have one more chance at a very important issue to the State of Maine.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I rise again because of the importance of this measure. I might comment on the remarks made earlier

by the good gentleman from Hampden, Mr. Farnham, wherein it concerns parking spaces and utilities. And I might suggest that if we are going to have these buildings, somewhere along the line we have got to have parking for them. If we are going to have these buildings, somewhere along the line we have got to provide the proper expanding facilities as far as utilities are concerned; and I am sure that the gentleman from Hampden, Mr. Farnham, would certainly recognize that.

Concerning itself with the remarks of the gentleman from Norway, Mr. Henley, I would comment there that if there were any funds available in surplus to take care of some of these items of a smaller nature, concerning even the major repairs, let alone minor repairs, but in this instance they are major repairs, certainly he would be right. These items should be taken out of surplus and would not belong into a bond issue. But as the matter stands now, we are not only somewhat short on surpluses, but we are actually now using some surplus, which I have fought against, but we are actually now and have been using, in the last two or three sessions, surplus money for recurring items, which I will admit is not good financing. But we are forced into these projects, and for those reasons, these items are in this bond issue, and for those reasons, and the fact that I pointed out the items of parking and utilities, are also in the bond issue mandatorily.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: In reference to the apathy, it was not confined to Penobscot County. Before 1966 it was very rarely any time that bond issues were turned down. Beginning with that year, beginning especially with a bond issue for a highway office building, we have seen our people increasingly turning down issues that they felt were not needed.

And I think they are trying to tell us something. I think they are trying to tell us that although they recognize that some of these

things may be desirable, that we should go slow. We should pay for them, in many cases, as we go, borrow money when we need for things that are needed. I think this was quite evident in last year's acceptances and rejections. As I said when I started, I think they are trying to tell us something. And I hope you here in this House will heed them and not send this back so they will have to tell you again.

The SPEAKER: The pending question is the enactment of An Act to Authorize Bond Issue in the Amount of \$15,950,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine, Senate Paper 603, L. D. 1778.

In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds affirmative vote is required for its final enactment. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Allen, Baker, Benson, Bernier, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Carrier, Chandler, Chick, Cottrell, Croteau, Curran, Curtis, D'Alfonso, Danton, Drigotas, Erickson, Faucher, Fecteau, Finemore, Fraser, Gilbert, Goodwin, Haskell, Hawkens, Hewes, Hunter, Jalbert, Kelley, R. P.; Kilroy, Lebel, LePage, Levesque, Lewin, Lund, MacPhail, Marquis, Martin, McKinnon, McNally, McTeague, Millett, Mitchell, Moreshead, Nadeau, Norris, Noyes, Payson, Quimby, Richardson, H. L.; Rideout, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Stillings, Susi, Temple, Thompson, Vincent, Wheeler, White, Wood.

NAY — Barnes, Bedard, Ber- man, Binnette, Buckley, Bunker, Burnham, Carey, Carter, Casey, Clark, C. H.; Clark, H. G.; Cor- son, Cote, Couture, Crommett, Crosby, Cummings, Cushing, Dam, Dennett, Dudley, Durgin, Dyar, Eustis, Farnham, Foster, Gauthier, Giroux, Hall, Hanson, Hardy, Henley, Hichens, Immonen, Jame- son, Jutras, Kelleher, Kelley, K. F.; Laberge, Lawry, Lee,

Leibowitz, Lewis, Lincoln, Mar- stallar, Meisner, Morgan, Mosher, Page, Porter, Pratt, Rand, Rich- ardson, G. A.; Ricker, Ross, Star- bird, Trask, Tyndale, Wight, Williams.

ABSENT — Coffey, Cox, Don- aghy, Emery, Evans, Fortier, A. J.; Fortier, M.; Good, Harri- man, Heselton, Huber, Johnston, Keyte, Mills, Ouellette, Rocheleau, Tanguay, Waxman.

Yes, 71; No, 61; Absent, 18.

The SPEAKER: Seventy-one hav- ing voted in the affirmative and sixty-one in the negative, seventy- one not being two thirds, this Bill fails of enactment.

the Chair recognizes the gentle- man from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, would a motion be in order to reconsider engrossment on this measure?

The SPEAKER: The answer is in the negative.

The Chair recognizes the gentle- man from Hampden, Mr. Farn- ham.

Mr. FARNHAM: Mr. Speaker, a parliamentary inquiry please.

The SPEAKER: The gentleman may pose his inquiry.

Mr. FARNHAM: Am I correct in understanding that this now goes to the other body, and that if they insist it comes back to us and we can insist and ask for a Committee of Conference?

The SPEAKER: The answer is in the affirmative.

Sent up for concurrence.

Passed to Be Enacted

An Act relating to Waste Dis- charge License Provisions (H. P. 1445) (L. D. 1821)

An Act Establishing a Con- sumers' Council (H. P. 1447) (L. D. 1823)

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.

By unanimous consent, the fore- going matters, with the exception of item 2, page 1, L. D. 1804, were ordered sent forthwith to the Senate.

An Act to Make Allocations from Bond Issue for Construction and

Equipment of Pollution Abatement Facilities (H. P. 1455) (L. D. 1833)

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 Ladies and Gentlemen of the House: This L. D., which was originally in one of the Appropriations bills and was taken out by a joint order of both the House and Senate, came out of the Appropriations and Financial Affairs Committee with a great deal of reluctance on my part. It was discussed extensively there, but there was no degree of unanimity of thinking as to whether any action should be taken on it. So with that thought, and realizing fully that most all of us today realize our pollution problem is a major problem and that we have got to face up to it, I allowed that it come out. But I also realize that there is a financial problem that is involved with this. And there are quite a few, I feel, several points at least that should be brought to the attention of this Legislature and to this body. And therefore, I am going to attempt an explanation of what I feel is involved in this.

In 1963 a \$25 million bond issue was passed by the Legislature and the people of the State of which presently there is about \$16 million that is authorized but unexpended, and in this bill there is \$1,400,000 which would clean up this \$25 million bond issue.

In 1967 the Legislature passed legislation authorizing prefunding of paying of the federal share of projects which were at that time far enough advanced to be put out to the contractor for construction. At that time, the time that that bill was passed, there was no provision for obtaining back or acquiring the federal share or the federal government reimbursing for the amount that we had prefunded.

Shortly after that legislation was passed in Congress allowing the recovery of the federal share. But this legislation expires on July 1, 1971, and at present Congress has not extended this recovery provision. It seems reasonable that they

will probably pass legislation to allow recovery, but the recovery provision only allows recovery up to the extent of the federal appropriation, the federal authorization. The federal authorization for this year is \$4.9 million, which will allow us to recover fully the \$3.5 million that presently has been prepaid. However, one point that I would make at this time is that the interest is not recoverable and the federal government has made no provision for paying the interest that we will pay on this \$3.5 million.

I fully realize the desire for cleanup of our waters, but there is a factor in here that this interest can build up into quite a cost factor before we get completely fed up.

Now presently before us, in this bill, is an allocation of \$29 million out of the \$50 million that was passed a short while ago. The Air Environmental Improvements Commission intends, or expects to use \$14½ million of this for prefinancing. Of the \$16 million that has also been authorized out of the \$25 million appropriation, \$6½ million is expected to be used for prefinancing, which would put us in the position of prefinancing about \$21 million of projects in paying the federal share with the hope that sometime we can recover this from the federal government.

Next year our allocation is expected to be somewhere in the neighborhood of \$7.4 million. So we would stand a chance of recovering this amount, but this still leaves about \$14 million that had been prefinanced, at least from legislation we know of, would not indicate that it is at the present time recoverable. Whether Congress will leave us on the hook for this is something that I or nobody else probably can answer at the present time. There are quite a few other states involved in this.

We would have an interest problem that would be building up, and this would be one of the factors that would contribute to some of our revenue gap that develops between the adjournment of one Legislature and the convening of another one.

And another interesting factor along in this area is what is in-

volved with trying to sell these bonds and the possibility that this \$25 million, or part of this may have to be resubmitted to the people because the interest rate, at its present level, some of these bonds cannot be sold.

About two weeks ago the Treasury Department submitted \$5.2 million to bonding people for sale. When they came back, the price on them, the interest cost was 6.09 percent, which is above the 6 percent limitation allowed in these bonds. The Air and Environmental Improvement Commission is giving serious thought now to readvertising these on a ten year instead of a twenty year retirement date. If this is done, and there are some aspects of this that might appeal to anybody that these bonds would be cleaned up this much quicker, but at the same time it would result in a cost, in which the amortization cost would be doubled. So instead of paying these off at the rate of \$260,000 a year, it would mean that the next Legislature would come back and be faced with having to come up with \$520,000 annually for bond funding costs.

I think that when the original prefunding legislation was passed in 1967, there was a good deal of reluctance on the part of the Legislature to pass this, and it was my understanding at that time that they probably would not want to go into any more prefunding and give serious consideration to doing it. But the legislation that we passed at that time, now we find out, and I have a ruling from the Attorney General to that effect, that the question was asked — may the Environmental Improvement Commission use funds allocated by the Legislature from the '63 and '69 bond issues for pollution abatement to prefund municipal, and quasi-municipal pollution abatement planning and construction programs which have received federal approval without specific authority from the Legislature for each intended use. And the answer was yes.

It was my feeling at the time this was discussed in the Appropriations Committee that the Legislature might want to, and possi-

sibly should, put some restriction on the amount of bonding that would be used for prefunding. But the majority of the committee did not see the way that I felt, and so we allowed this to come out with a unanimous "ought to pass" report. I still have strong feelings in that area that we may be developing a financial pattern that is going to be a problem for the next Legislature to correct and possibly come up with tax measures to fund this entire program.

I am not at this time going to make any motion on this, but I did feel that some of these points should be brought to the attention of the Legislature, and you may want to give serious consideration as to what is involved. At least you are acquainted with what this bill concerns when you do vote on it.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers from the Senate appearing on Supplement No. 2 were taken up out of order.

Reports of Committees Ought to Pass Assigned Later in the Day

Report of the Committee on Natural Resources, acting by authority of Joint Order (S. P. 651), reporting a Bill (S. P. 652) (L. D. 1836) under title of "An Act to Authorize General Fund Bond Issue in the Amount of \$4,000,000 for Removal and Abatement of Prohibited Discharges of Oil from Coastal Waters, Lands Adjoining the Seacoast of the State or Waters Draining into the Coastal Waters of the State in the Event of an Oil Pollution Disaster Declared by the Governor" and that it "Ought to pass."

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

In the House, the Report was read and accepted in concurrence. The Bill was read twice and assigned for third reading later in today's session.

Divided Report

Majority Report of the Committee on State Government, acting by authority of Joint Order (S. P. 637), reporting a Bill (S. P. 654) (L. D. 1837) under title of "An Act relating to Interest Earned on Investments of Special Revenue Funds" and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
LETOURNEAU of York
— of the Senate.

Messrs. DENNETT of Kittery
D'ALFONSO of Portland
STARBIRD
of Kingman Township
RIDEOUT of Manchester
MARSTALLER

of Freeport
DONAGHY of Lubec
— of the House.

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

Report was signed by the following member:

Mr. BELIVEAU of Oxford
— of the Senate.

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

In the House: Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report in concurrence.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House accept the Majority "Ought to pass" Report in concurrence.

The Chair recognizes the gentleman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Members of the House: I was told that this was going to be a unanimous committee report and there was no need for me to sign, and I would just like to go on record as supporting the majority report.

Thereupon, the Majority "Ought to pass" Report was 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.

Order Out of Order

On motion of Mr. Bedard of Saco, it was

ORDERED, that Mary Kerry and Kristi Ledoux of Thornton Academy in Saco be appointed to serve as Honorary Pages for today.

Orders of the Day

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

MAJORITY REPORT (7)—Committee on Education, acting by authority of Joint Order (S. P. 647), reporting a Bill (H. P. 1453) (L. D. 1831) under the title of "An Act to Appropriate Funds for School Subsidies" and that it "Ought to pass" and MINORITY REPORT (3) 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"

Tabled — February 2, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Richardson of Stonington to accept Majority Report.

The pending motion to accept the Majority "Ought to pass" Report prevailed and the Bill was read twice and assigned for third reading later in today's session.

The Chair laid before the House the second 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 — February 2, by Mr. Rideout of Manchester.

Pending — Acceptance of either Report.

On motion of Mr. Dennett of Kittery, the Minority "Ought to pass" Report was accepted in concurrence and the Bill read twice. Under suspension of the rules the Bill was read the third time, passed to be engrossed in non-concurrence and sent up for concurrence.

The Chair laid before the House the third 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) (House Amendment "B" H-684 adopted)

Tabled — February 2, by Mrs. Baker of Orrington.

Pending — Passage to be engrossed.

Mrs. Baker of Orrington offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-692) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is my bill, and it is not my intention to invade the thinking of the delegation from Penobscot County. I agree with one section of this measure that would lower this bill down from \$9,000 to \$8,000 for the County Attorney. The second section of this measure would have the act not take effect until January 1, 1971, that is that section involving Penobscot County.

Now this bill has a wide history. It was presented at the last session for the six different counties. I am now speaking on the bill and I think I would probably be not necessarily out of order, but I would probably be getting away from the point if I spoke on the bill itself. But suffice it to say, if the second part of this amendment would pass, then it would have nine County Attorneys presently enjoying a salary increase as of January 1, 1970 of this year. You would have, under the subsequent amendment, Amendment "C", because of a quirk in the law—and this would not conflict with the Crommett law in any way, but because of a quirk in the law we must amend the measure so that it would take the other Assistant County Attorneys, including Penobscot County, and have their raise take effect March 1, 1970. These six counties would already lose their increase in salary for a

two month period. The other nine counties, as I have stated, would enjoy this—or are already enjoying their increase in salary; they are not in this measure.

I feel, Mr. Speaker and members of the House, that to have one county stand out and not have their raise take effect until January 1 of 1971 when all of not only the County Attorneys but also all of the county office holders in the state, every one of them, are already enjoying a salary increase as of January 1, 1970, would be a very unfair thing for us to do.

I would move the indefinite postponement of House Amendment "D," not to kill the amendment in its entirety. Merely that if the amendment was killed, hoping that a subsequent amendment would come reducing the salary of the County Attorneys from \$9,000 to \$8,000, but striking out that section that would make the date effective even for that county—for the explanation I have given, for that county until January 1, 1971. When the vote is taken I move for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. JALBERT, that House Amendment "D" be indefinitely postponed.

Whereupon, on motion of Mr. Danton of Old Orchard Beach, tabled pending the motion of Mr. JALBERT of Lewiston that House Amendment "D" be indefinitely postponed, and later today assigned.

The Chair laid before the House the fourth 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—February 2, by Mr. JALBERT of Lewiston.

Pending — Passage to be engrossed.

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

The Chair laid before the House the fifth 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 — February 2, by Mr. Benson of Southwest Harbor.

Pending — Passage to be engrossed.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In respect to this bill, that is item five on page four, "An Act Prohibiting Dumping of Out-of-state Waste Matter," I must confess to you that I have serious reservations about the constitutionality of this measure. I have requested an opinion from the Attorney General and I am advised that the Attorney General's office, like all law offices, is susceptible to having a divided opinion on these things. But rather than hold this bill up, I think that we should pass it; but I would like to have us know what we're doing, and that is that we are prohibiting, *carte blanche*, imposing a total prohibition on the dumping of out-of-state waste material in this state.

The bill might very well not successfully survive a court challenge and I would hope that in the next session of the Legislature we will design a comprehensive bill that will recognize that waste and waste products can be part of an intelligent and sanitary land fill system, and that we would have the Environmental Improvement Commission vested with the authority, under the most stringent possible limitations, permit the dumping of waste as part of a sanitary land fill operation.

I apologize to the sponsor of the bill and the good people on Natural Resources for causing this little flap, but I did want to review it

and I appreciate your courtesy in allowing me to do so. Thank you.

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

By unanimous consent, the matters just acted upon were ordered sent forthwith to the Senate.

On motion of Mr. Richardson of Cumberland,

Recessed until one o'clock in the afternoon.

After Recess

1:00 P.M.

The House was called to order by the Speaker.

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

Non-Concurrent Matter

Bill "An Act to Promote Governmental Reorganization and Efficiency" (S. P. 641) (L. D. 1812) which was passed to be engrossed as amended by House Amendments "A" and "B" in non-concurrence in the House on January 30.

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

In the House:

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

Mr. RIDEOUT: Mr. Speaker, I move that we insist.

Whereupon, Mr. Marstaller of Freeport moved that the House recede and concur.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marstaller, that the House recede from its former action and concur with the Senate.

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

Mr. RIDEOUT: Mr. Speaker, Ladies and Gentlemen of the House: As you probably are aware, in the Senate amendment—

The SPEAKER: The Chair will advise the gentleman not to influence the House by the actions of the upper body.

Mr. RIDEOUT: I beg your pardon, Mr. Speaker, I am afraid that they have influenced me a little bit today, so I am a little confused.

Senate Amendment "A" takes out the Section A of the bill, which really takes out the heart of the matter. In this House we voted 110 to 23 some time ago to pass it as it was written. If we recede and concur, that is just going to kill the bill. If we insist, by perhaps out of some meeting of the minds we could work something out. But to recede and concur would mean nothing more than the death of governmental reorganization in this session, and I would hope that you would defeat the motion to recede and concur so that I could move to insist and we could go on from there. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Freeport, Mr. Marsteller, that the House recede from its former action and concur with the Senate. The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Rideout of Manchester, the House voted to insist and ask for a Committee of Conference.

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

RIDEOUT of Manchester
DENNETT of Kittery
ROSS of Bath

Supplement No. 5.

Ought to Pass

Mr. Snow from the Committee on Natural Resources, pursuant to Joint Order (S. P. 638), reported a Bill (H. P. 1464) (L. D. 1838) under title of "An Act relating to Prerequisites for the Insurance of Mortgages by the Maine Industrial Building Authority, Maine Recrea-

tion Authority and the Municipal Securities Approval Board" and that it "Ought to pass"

The Report was accepted and the Bill was read twice.

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

Supplement No. 6.

Passed to Be Engrossed

Bill "An Act to Authorize General Fund Bond Issue in the Amount of \$4,000,000 for Removal and Abatement of Prohibited Discharges of Oil from Coastal Waters, Lands Adjoining the Sea coast of the State or Waters Draining into the Coastal Waters of the State in the Event of an Oil Pollution Disaster Declared by the Governor" (S. P. 652) (L. D. 1836)

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

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

Mrs. PAYSON: Mr. Speaker, through the Chair I would like to ask anyone about this bill, the question which has been brought up by one of my constituents, about what will happen if for some reason or another because the one cent per barrel charge may be called illegal, where does the Commission at that point stand as far as the operations go and the financing thereof?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, poses a question through the Chair to any member who may answer if they choose.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question I would indicate to you that L. D. 1836, which is now under discussion, is a contingency bond issue which seeks public approval or authorization for a bond issue to be held—not to be issued; to be actually issued only in the event that the Coastal Protection Fund, which is now picked at \$4 million, to be used only in the

event that that fund is unable or there isn't enough to clean up this bill in repond to damages, to those people who have been damaged by the oil spill.

This authorization is designed to meet the question of whether or not we guess wrong on the size of the Coastal Protection Fund at \$4 million. This bond issue is back up money, to be used only in the event of the declaration of an emergency by the Governor and then additional monies would be poured into the Coastal Protection Fund, and in the event of a known spill or financial responsible spiller that amount would cover it.

Now the other question, or the real question that the gentlewoman has asked, the amount of the license fee that is not a tax, in the amended bill as it comes out of Natural Resources, is a half a cent a barrel. If a court says that we may not generate more money than we can demonstrably—we can show is to be used for inspection, if a court makes that ruling then we are going to have to go back and relate our fee or licensing procedure solely to funds necessary for inspection.

And I might say that there is responsible legal authority on both sides of this issue, myself and many others feel that we have an excellent opportunity here to pass the cost of the unknown oil spill onto the industry. If a court strikes that down as being in violation of the Commerce clause or the Import-Export law, then a subsequent session of the Legislature is going to have to come in and raise the necessary monies out of General Fund revenues.

The other thing I want to point out is that I have an amendment which I would like to offer to the basic bill, which will provide for \$30,000 of interim financing.

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

Mr. BRAGDON: Mr. Speaker, I would like to pose another question presumably to the gentleman from Cumberland, Mr. Richardson. Who makes the decision when the time has come to authorize this bond issue? Is the Legislature giving up their authority to

allocate bond issues to some third party, and who is the third party?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, poses a further question through the Chair to anyone who may answer if they choose, and the Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: The bill and the companion piece of legislation provide for the declaration of a state-wide emergency by the Governor in the event of a major oil disaster in this state. There would be no, as I view it, no relinquishment of our responsibility, our right to determine how bond monies are allocated. What we are doing here is saying that in the event of a major oil disaster and in the event that the monies presently in the Coastal Protection Fund are inadequate to clean up the spill and responding damages, then under those circumstances the fund may be replenished out of the proceeds of this \$4 million contingency bond issue. And I again want to make clear that I believe the great majority of these costs are recoverable.

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

Mr. BRAGDON: I think my real question hinges on the fact when a so-called major disaster should occur in this area, that it should be of sufficient proportions so that it would require the calling together of the Legislature, and for that reason I am a little somewhat reluctant to see some third party make the decision when a major disaster has occurred and proceed with the funds without the advice and counsel of the Legislature, who I feel should definitely be called in to session when it appears that such a disaster has occurred.

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

Third Reader

Tabled Later in the Day

Bill "An Act to Appropriate Funds for School Subsidies" (H. P. 1453) (L. D. 1831)

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

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

Mr. MILLETT: Mr. Speaker and Members of the House: As a signer of this Report I feel I probably should keep quiet and let it slide through. However, I know in talking with many of you there is much confusion with respect to what it does. I feel an obligation to inform everyone as to what the ramifications of the present bill are; and probably there is merit to some kind of discussion, either in caucus or at this time, with respect to its chances for being funded and the eventual distribution of school subsidies if it is not funded.

With this in mind I would not make any further motion, but I would think at this time that it should not leave this body without some further explanation. If there is a desire for explanation I think it can be done at this time.

Whereupon, on motion of Mr. Richardson of Stonington, tabled pending passage to be engrossed and later today assigned.

Third Reader Amended

Bill "An Act to Regulate Site Location of Development Substantially Affecting Environment" (H. P. 1458) (L. D. 1834)

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

Mr. Snow of Caribou offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-691) was read by the Clerk.

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

Mr. SNOW: Mr. Speaker, I would like to speak briefly to my amendment. An error was made in the printing of this bill. The committee, in its executive session, voted "ought to pass" on this bill in a form which did not include the last phrase in Section 488. The original bill that I introduced didn't contain this phrase either. It apparently had crept in due to somewhere in the printing of the re-draft.

The committee feels, or at least nine of us do, that this phrase

should come out. The effect of leaving in this clause would be to exempt from the bill any city or town that has zoning and make it only apply to towns without zoning. If you live in a town that has zoning you might think at first that this is great, but what if the town next door to you has zoning also? That would mean that your own town would have no protection whatsoever from them. The town next door would be completely free to put in an aluminum plant, an oil refinery, or a kraft paper mill without regard to how this might affect many conditions in your town.

The whole point of this law is to take notice of the fact that some industries can have a bad impact on people in towns in a general area. This law says in effect, when this is the case the location of this industry is too important to be left just to a single town or a single developer. Other people have a stake in it too, and they should have a voice. They won't have a voice if we fail to adopt this amendment.

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

Mr. HARDY: Mr. Speaker and Members of the House: The gentleman from Caribou, Mr. Snow, has covered this very nicely. He did leave out the fact that one of our rewrites in committee did include this, and it was very much to my desire that it should be included.

Now I am not going to stand here and wave the scare tactics of the aluminum plant, the oil refinery and all of the big, noisy, smelly things that I don't like either. But I am going to stand here and say to you towns that are zoned and you towns that would like to zone, that this also applies to a little industry no larger than the Speaker's rostrum that might be polluting—not necessarily polluting but which might be discharging into a stream, and if this amendment is enacted you will have to go to the Commission to get—they will tell you where it can be put rather than your own town telling you where this small industry can be put.

And this is why I think it is important. I don't look for a great big influx of these highly polluting industries and I do think we have a lot of legislation on the books that control that today. But what I am afraid of is the fact that a lot of these little industries which may have a bathroom pipe running into the water, and this Commission may decide that it should go to some other town rather than let our own zoning ordinances and planning commission keep it in our own community.

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

Mr. LUND: Mr. Speaker and Members of the House: I think many of you are probably aware that we have this problem before us as a result of the great deal of discussion we had in the state when the Tepco Aluminum project was proposed to be located in Trenton. I think that you can probably remember the discussion we had in the House during the regular session over this problem.

I would very strongly support the adoption of the amendment offered by Representative Snow and point out that the example which has been given by the gentleman from Hope. Mr. Hardy, is not a very sound one because this bill would only apply to location of industries or like that would substantially affect the environment. I don't think that one bathroom outfall, as described by Mr. Hardy, would have that substantial effect upon the environment.

However, I think we should perhaps consider this in very concrete terms. Now we have heard a good deal about King resources, and contrary to what that corporation earlier said, they are now planning a refinery in the greater Portland area. Portland apparently doesn't want it, because it has a zoning ordinance that would forbid a refinery; but South Portland and Scarborough have zoning ordinances that would permit a refinery. With a prevailing southerly wind Portland would be adversely affected by a location of refinery in either of the other two towns. But if this amendment is not adopted, Port-

land would not have the opportunity to make its interests known.

So I would therefore hope that you would support the adoption of Representative Snow's amendment.

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

Mr. SOULAS: Mr. Speaker, I would like to pose a question through the Chair to anyone on the committee who would like to answer it. How would this amendment affect cities that are presently under urban renewal?

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

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

Mr. CURRAN: Mr. Speaker and Members of the House: They would come under this bill.

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

Mr. HARDY: Mr. Speaker, I request a vote.

The SPEAKER: A vote has been requested on the adoption of House Amendment "A".

Whereupon, Mr. Lund of Augusta requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 the adoption of House Amendment "A". If you are in favor of the adoption of House Amendment "A" to L. D. 1834 you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Barnes, Bedard, Benson, Berman, Bernier, Birt, Boudreau, Bourgoin, Brennan, Brown, Buckley, Bunker, Burnham, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote,

Couture, Cox, Crommett, Crosby, Croteau, Cummings, Curtis, Cushing, Dam, Danton, Dennett, Drigo-tas, Dyar, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Fine-more, Fortier, M.; Foster, Gau-thier, Gilbert, Goodwin, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Hunter, Immonen, Jal-berth, Johnston, Kelley, K. F.; Kel-ley, R. P.; Kilroy, Lawry, Lebel, Leibowitz, LePage, Levesque, Lew-in, Lewis, Lund, MacPhail, Mar-quis, Marstaller, Martin, McKin-non, McTeague, Meisner, Millett, Moreshead, Morgan, Mosher, Na-deau, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Rich-ardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Shaw, Shel-tra, Snow, Stillings, Susi, Temple, Thompson, T y n d a l e, Vincent, Wheeler, White, Williams, Wood.

NAY—Baker, Binnette, Bragdon, Carey, Carrier, Curran, D'Alfonso, Durgin, Emery, Fraser, Hall, Han-son, Hardy, Heselton, Jameson, Jutras, Kelleher, Laberge, Lee, Lincoln, McNally, Mills, Mitchell, Scott, G. W.; Soulas, Starbird, Trask.

ABSENT — Casey, Coffey, Cot-trell, Donaghy, Dudley, Fortier, A. J.; Giroux, Good, Huber, Keyte, Ouellette, Santoro, Tanguay, Wax-man, Wight.

Yes, 108; No, 27; Absent, 15.

The SPEAKER: One hundred eight having voted in the affirma-tive, and twenty-seven having voted in the negative, House Amendment "A" to L. D. 1834 is adopted.

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

Bill "An Act relating to Coastal Conveyance of Petroleum" (H. P. 1459) (L. D. 1835)

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

Mr. Richardson of Cumberland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-693) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Cum-berland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speak-er and Ladies and Gentlemen of the House: I would like to defer discussing the basic bill if we may until we have put the amendment on the bill. But this meets one of the questions that has already been raised this afternoon, and that is what provision do we make for the interim period here in order to generate some funds to the En-vironmental Improvement Com-mission to give them the necessary staff? Now this amendment pro-vides for the monies necessary to put on two staff members on the commission to work on the prom-ulgation of rules and regulations and orders, and to begin to set up this program. And that is the rea-son for the amendment. I would hope the House would adopt it and then we can defer discussion of the basic bill until passage to be en-grossed.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair rec-ognizes the gentleman from Cum-berland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speak-er and Ladies and Gentlemen of the House: In support of the pas-sage of this bill, I simply want to touch on some of the areas that have been raised as questions, not only by you, but by editorial writ-ers and newspeople and members of the general public.

First of all let me say that we here in Maine dealing with such problems as substandard housing, being on the end of the geograph-ical tail, having some of our indus-trial problems, not enough good industry, sometimes look at our-selves as sort of being the weak sister of the continental United States. And yet in this case I think we have a unique opportunity to profit by the fact that we are not overdeveloped, to profit by the fact that we have an opportunity, a unique opportunity in this and sim-ilar legislation to profit by the mis-takes that have been made by oth-er states, and to recognize the problem and try to deal with it be-fore it reaches crisis proportions.

I want to say first of all that there has been no attempt despite the comments that I have seen in the press to ram this bill through.

As I tried to indicate to you the other day, I don't think we should pass legislation here in a mood of semi-conservation hysteria, just in order to go back to the folks at home and say, "Well, we passed everything that had a conservation label on it." I think that we should look at every proposal that comes in here, particularly in this area, and make sound, intelligent, well-formed judgments.

Now this bill has been the product of months and months of effort by people from the Governor's staff, by the Legislative Research Subcommittee on Coastal Conveyance of Petroleum, a substantial amount of federal and state monies have gone into trying to design what I view as a uniquely progressive and innovative approach to this problem that has plagued every coastal state in our nation.

This bill has three very basic and fundamental points. First of all it places absolute liability on the person causing the spill. Other states including, for example, the Commonwealth of Massachusetts, have required an allegation and proof of negligence in order to recover against the person who causes the spill. This bill places absolute liability, without reference to common law concepts of negligence or fault.

This liability is unlimited. It is not limited by any dollar amount. And I think this, too, represents a recognition by the committee and the staff and all the people who have worked, that there isn't really any way to measure the tremendous financial impact on the people of the State of Maine of a major oil spill.

Thirdly this bill adopts the concept of a Coastal Protection Fund, in which we have profited by the mistakes in other states where they have rushed around in a frenzy trying to find out who was responsible and trying to get that party to come forward and clean up and respond in damages. The Coastal Protection Fund gives us the flexibility, the technical know-how and the money to clean up an oil spill before it spreads to mammoth proportions and gives us the opportunity to get reimbursement in damages for the many, many peo-

ple who would be damaged. The coastal fund, in short, is the whole guts of this bill.

We proposed an amendment to the Natural Resource Committee to reduce the original size of the fund from \$10 million to \$4 million. One of the very basic reasons for doing this is that while we cannot accurately predict what the cost of the cleanup and damages would be, we do feel that there is very sound legal reason for keeping the fund, the Coastal Protection Fund, within clearly established guidelines, and what it is going to cost. And you by your action have approved this contingency bond issue which gives us the backup, which gives us the funds available in the case that we guessed wrong.

The bill contains a self-insurance feature. It places a premium on the licensee who comes and reports that he has caused a spill. It rewards him for obeying our law. It is not, as has been the case in so many other states, a license to pollute.

Now there has been a great deal of discussion about the license fee which the committee has reduced to half a cent a barrel. There is respectable legal authority on both sides of this question, and I am not going to try to kid you. There is no question but that this bill is going to be challenged in court. Not only with respect to the licensing fee as applied to goods which are admittedly in interstate commerce, but also with the question of the imposition of what we call vicarious liability. But we feel that the chance is good that we have a viable alternative.

And I may say this, the Governor of this state shares this view, that we should make an effort to pass on the cost of cleaning up the unexplained spill to the oil industry. And if we fail in that effort, that next session of the Legislature, after it has been judicially stricken down, the fee portion is going to have to back up, relate the license fee solely to inspection and monitoring, and then the people of this state are going to have to decide through their representatives whether or not they want General Fund revenues to pay for all of these other things.

This bill has been, for me, a fine personal experience, and I would be less than candid if I didn't admit that to you. It is to me another splendid example of what the two-party system can do when it spends a lot less time nit picking with one another and a great deal more time joined together in a constructive effort to draft sound and comprehensive and progressive legislation. During the course of the bill I have talked with many, many people, and I know that you have.

The engineer of a coastal tanker which plies Maine waters came into my office last week, and while he gave me permission to use his name I am not going to. And he came in and the gist of what he said was, "You folks are on the right track. The coastal tanker that I am aboard pumps its bilges in Portland Harbor repeatedly, time after time after time." And he told me of many other instances which I am not going to burden you with, but this to me is simply an example that those people who are in the industry realize that they have a problem, and are not afraid to admit it.

I will be happy to answer any questions that you have, and I hope there will be several. I would just remind you of the occurrence of Santa Barbara, the occurrence of January 26, 1970 when a last remaining beach, practically, in Louisiana was covered by an ankle deep blanket of oil 15 miles long and 20 feet wide. And to me this points up one very simple fact, that it is really true that those who cannot learn from history are condemned to relive it. And I hope that we in Maine never, never lack the courage to recognize a problem when it exists and meet it in a forthright and intelligent manner.

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

Mr. JALBERT: Mr. Speaker and Members of the House: What has now become conservation was in the days of old, I might say, anti-pollution. You know through the effort that anyone can use in going back into the record, we

can find ourselves sometimes going back and saying possibly, I am not a first in anything. But certainly it might be that I participated in being among those.

I have with me, for instance, a photostatic copy of one of our local papers dated on August 21, 1941 showing a petition that would be on its way to Washington among several hundred petitions that finally went with a heading, "We the undersigned insist on action being taken on conditions arising from the Androscoggin River." A subsequent photostatic copy would indicate the mayors of both of our cities with a nice looking attendant signing in one of our local theaters some of these petitions.

I recall all that summer of 1941, as then I can say a younger person, going up and down the banks of the Androscoggin River, all the way to Berlin, New Hampshire, and running into the same situation that existed then, with absolutely no licensing occurring in the State of Maine. Not making an overstatement, I assure you that this is fact, that hundreds of our homes in our area could be painted in the spring, and by the middle of summer the peelings would be completely gone. The paint would be completely bare from the wood. Let alone the stench that was along that river. It was at the time the number one political issue for one seeking small or large office.

Through the record, I also have another photostatic copy dated March 26, 1945, in which I stated that I would seek no anti-pollution legislation, passed in 1945, that being my first term in the session. There were two bills before us, one presented by Senator Collins of Caribou and a Representative Dawes. One of the measures had been drafted by industry, the other one by the sanitary board. In any event, in the committee, and this bill was in committee and came out of committee and became law within three weeks incidentally, and I believe we adjourned on that date, the date of adjournment a far cry from today, was around the middle of April, the amendment was presented, the amendment was passed and it then be-

came a law that industry would be licensed.

In those days it was the far hue and cry to say you intended to tolerate a little bad odor, you intended to tolerate a little harm that would come to your residences, or do you intend for the lights to go on in the Bates Mill and cut down from three shifts to two shifts to one shift to possibly no shift. Industry at the time was in complete control. I was then part and parcel of it as I would be part and parcel of this.

I feel, ladies and gentlemen of the House, that we in Maine have much too much at stake not to pass this bill in overwhelming fashion. We have the most beautiful coastline in America, and a tourist business and fishing and lobstering business that will disappear unless we are able to place meaningful controls on a conveyancing of oil. This is a unique opportunity for us not only to lead the nation with responsible environment controls, but to give our own citizens the protection they need and that they deserve. I feel that the eyes of the nation are truly upon us today.

I think one would be remiss if he would not, without any thought of being partisan, commend the Chief Executive and his staff for their untiring efforts in that area, which makes the case in point for my own party. Certainly one would be remiss, and certainly I have been one that has taken at times mild objection to the gentleman that I am about to speak of, but certainly one would be remiss, as a member of the Research Committee watching him operate, and I speak of the gentleman from Cumberland, Mr. Richardson, as chairman of the subcommittee on coastal conveyance, one would be remiss if he did not commend him for the work he had done in and out of the floors of this Legislature and any time anyone wants to speak to him about it. I think frankly he should be given a great deal of commendation for it as well as the Chief Executive, as I mentioned before. And certainly the only way that we can do it is by a resounding vote on this measure today.

Mr. Speaker, if the motion has not been made, I move that when we vote we vote by the yeas and nays.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: Never before in my ten years traversing these hallowed halls has my concern been greater than it is today. Coming from a unique part of the coast that first had lobster fishermen going out in their small boats, punts and et cetera, without having to combat this issue.

For the past fifty years Maine has been the victim of the march of progress in industry, until now every stream, river and pond is polluted. Without regulatory practices, industry has steadily contributed to this problem wantonly.

Now we are engaged in fighting for our very existence in the protection of our beautiful coast. Will you reflect with me a moment to consider our gigantic investment through our tourist and fishing industries which are now threatened by the worst invader of all, the oil industry. Without restrictions we are standing by helplessly as the rockbound coast of Maine, revered by people throughout the world, is threatened.

Ladies and gentlemen, we are now charged with a direct mandate from our people to immediately enact legislation to thwart this attempt to destroy the greatest resource we possess, the Maine Coast.

You now have before you three pieces of legislation which will serve to at least stem the tide of this insidious invader. I am fully aware of the need of oil for our citizens, but only ask you put the industry under controls which will prevent the happenings of other states. We can benefit by their unfortunate experiences by enacting all three pieces of this preventative legislation. The problem is so serious that any step that we can take now will be a blessing to the future of our state.

Ladies and gentlemen of the House, I implore you to heed the call of our people who, in their deep concern, look to us to act

now. Save our Maine coast for all future generations. Let us assume this responsibility and join our concerned citizens by passing the first bill before you today.

And I believe that I can act as a member of the Sea and Shore Fisheries Committee for over 5,000 lobstermen in the State of Maine who are also very deeply concerned. And you can imagine in your own mind, if you will meditate for a moment, what one oil spillage would do to the lobster industry. There could be no rectification if this should happen. It would simply mean that we would either lose a season or two in this industry, which our fishermen cannot afford. And this, of course, also attends to the shrimping industry and other allied fishing affairs.

I can't see that any member of this House could possibly entertain a thought in his mind that this is the greatest opportunity we have had to return the compliments or the confidence of the people in us today by enacting this legislation. Thank you very much.

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I support the bill. I think it was badly needed. I guess I am a Latter Day conservationist, but I am interested in some of the points that Mr. Richardson made. He said that there was substantial authority on both sides and it may violate the export-import clause of the Constitution. I am just curious as to why this hasn't been sent the advisory opinion route.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In my remarks I intended fully to touch upon this. I have spoken to many members who have discussed it. In view of the fact that I had a piece of legislation, and I asked for an advisory opinion. An advisory opinion is just that, an advisory opinion. I think that those people who did not ask, and I am speaking now of the Chief Execu-

tive of this state and I am speaking of the Chairman of the Research Committee on environment. I think that they are perfectly justified in not asking for an advisory opinion on this measure because of its importance, because of the fact that we would just be delaying, if we did ask an opinion. There is nothing that is before the court now as there is in a measure when I ask for an advisory opinion, and I think that personally the eyes of the nation certainly being upon us on this thing here, that it would only be a delaying tactic. I don't think it would serve any purpose, and I fully am in accord with the idea of not asking for an advisory opinion.

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

Mrs. BROWN: Mr. Speaker and Members of the House: These general remarks I am going to make are appropriate to any of our environmental bills that have come before us. All of us have become aware of an aroused public that is demanding legislation to manage our environment. Producing legislation that is designed to enhance and preserve the quality of life in our state isn't simple. So many people think that you can just demand it. A perfect bill is a nebulous thing, but what you have before you is a good start.

Many of our environmental problems appear to stem from shortsighted attempts to control the uncontrollable. These bills before you are a longer look at what is to happen in the future. Our waters and our air are not limitless sinks. They have an end capacity. We are threatened with drowning in our own sewage and burying ourselves in our own garbage and choking to death on our bad air. These are strong remarks, I know, but we need strong and bold action.

We must begin to manage our environment for the highest and best use of all natural resources for the greatest good for the greatest number of people. Although no court has thus far recognized that an unpolluted environment is one of our human rights, I believe that one of the priorities of our courts is to recognize that the pub-

lic has a right to an unpolluted environment. This is one of our inherent freedoms. I might even be so bold to suggest that these may be the rights that we fight for in the seventies as compared to the civil rights in the sixties.

I believe in answer to Mr. Brennan that we have very little environmental law on the books, on our common law books. I think we need to have a case that comes before the court with the facts, not just a hypothetical thing that we would present. Therefore, if this must be tested, let's have a law and let it be tested with somebody challenging it that actually wants under the bill.

It is obvious that our technological growth is the cause of the pollution and that the vested interests up until now have been economically committed to ignore the hazards and have been exploiters and abusers of the public air, water and land.

Now as to the \$4 million bond issue that is proposed to use, if necessary, I will support this. I have some reservations, but I believe we need this for the protection while we are following the implementation of this bill. However, I don't believe there is enough money in all the federal government or state budgets to restore our air, our water, and protect it in the future. The cost should not be borne by some massive federal and state programs, but as a cost of doing business like our labor costs are now. The people of the country and our state want cleaner environment and they are willing to pay for it through the cost of business. Why should we have an enormous bureaucratic structure to clean up the effluent of the affluent again? Industry has benefited over the years by the free use of our public air and water. Action must now be taken to protect the public rights and our environment.

We have got to, either through legislation or the courts, motivate all of us so that we are not harming others. We have got to have legislation or court rulings that will deter and make it burdensome for those who would pollute our air, downgrade our streams and

defile our land. I urge you to support this environmental bill.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to take a feeble stab at the question raised by the gentleman from Portland, Mr. Brennan and give at least my reason for not supporting a request for an opinion from the law court on an advisory basis. I might say that even those who intend to challenge this bill in court, that is the license fee provision, join me in feeling that the proper place to resolve this issue is not in an advisory opinion. They concede, at least some of them, that the bill is constitutional on its face, and the state may, as a proper exercise of its police power, generate revenue in this matter which is solely earmarked for inspection and the generation of the Coastal Protection Fund.

The place to resolve this issue is, as has been pointed out by a previous speaker, in the course of an adversary proceeding where all of the facts can be brought to the attention of the court and where they can determine whether or not the license fee, as applied to a specific licensee or terminal facility, is or is not constitutional, or is or is not in violation of the import-export law.

So I think that is the real reason why there is, in my judgment, no occasion to seek an advisory opinion from the court.

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

Mr. COX: Mr. Speaker and Members of the House: I am not so worried about the constitutional aspects of this thing. I agree with the gentleman from Cumberland that the courts should decide this. However, I am disturbed by Section 552 of this bill whereby we put liability without fault. Now it seems very easy to me that the wording might be changed in this simple section in order that we might pass this very worthy bill, this bill has had so much work and has had so much support.

Therefore I would hope that the House would go along with, if somebody does move to table this until later in the session, and that would only be a few minutes.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would disagree with the gentleman from Bangor, Mr. Cox, regarding the undesirability of liability without fault for oil spills. On the contrary, I agree with Mr. Richardson. I feel this is one of the crucial and best parts of the bill. Not only are there grave difficulties as I understand it in these situations in proving negligence, as other states have found out to their sorrow, but I think if we look at it in a broader sense we see that part of the cost of transporting oil is paid by spills. Those that spill should pay, if we can find out who they are, and if we can't the industry as a whole, notably ourselves as consumers of oil should bear the burden.

I feel that changing the concept of liability without fault back to common law negligence would be a significant weakening of this bill. I think at this time we don't need a weakened bill; we need a strong one.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to fully support this bill. I am not going into any lengthy discussion; neither am I going to try to compete with the illustrious oratory of the previous speakers. However, I want to go on record saying that I have never been a conservationist by area. I believe in conservation measures for the whole state. While my town of Skowhegan is inland, I am not on the coast, I believe we should pass any and all measures to protect the coast of Maine. We have a beautiful coast.

I also feel that conservation should encompass the whole State of Maine and not area alone. And it is with this thought in mind that

I rise, to ask the members of this House to keep this thought in the back of their minds, so that in these waning days of the legislative session of this special session I again intend to present an order asking for a study of the Kennebec River and the loss to my area. We feel in my area that while we can support coastal bills, if we have coastal protection bills, that we do have a beautiful river and we feel that the people of the beautiful upper Kennebec Valley of Somerset County are entitled to a little environmental protection.

So I ask you to keep this thought in mind so that tomorrow when I present an order asking for a study of the cleanup of the Kennebec River, that you people in good faith and good judgment can support the order and say, "We want to clean up the whole State of Maine; we are not interested in just one little area of the State of Maine." Thank you.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: I burn oil in my furnace, I have a car that uses a lot of gasoline, and I know that eventually the consumer is probably going to pay for this half cent a barrel or whatever it is. But I think we are all interested in having clean water and having a good coastline as we now have, and even a better one in places; and I support this bill wholeheartedly.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: There is one little portion that was said here today by the gentleman from Kennebunkport, Mr. Tyndale; and if I understood him correctly I understood him to say that all of our ponds and streams had been polluted. I would like to have the record show that they are not, at least in the part of the state that I come from we have some very clean waters still and there are some very beautiful ponds, and they are not polluted; and I would

like to have the records show that they're not.

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

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: I have been most interested in three anti pollution bills and have worked for their support. However, I feel that there is one question which should be answered and I would like to ask it through the Chair to whomever can answer it. The so-called vicarious liability section of this L. D. makes a terminal facility like the Portland Pipeline liable for spillages from ships approaching or leaving its dock, as far out as twelve miles. A terminal facility does not and cannot exercise control over ships operating ten or eleven miles from shore. The Portland Pipeline has been advised by its insurers that it cannot continue to insure the pipelines against oil spills if the vicarious liability section becomes law.

I would like to know if there are any comments on this particular question which involves the business in the City of Portland and the State of Maine.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, poses a question through the Chair to any member who may answer if they choose.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I am sure much to everyone's disgust I would like to answer this question. The concept that has been advanced by the Portland Pipeline, which was adopted by an editorial writer for the Portland Press Herald, who consulted not with the sponsor of the bill, not with the staff, not with the Legislative Research Committee, not with anyone else directly participating in it, but only with the President of the Portland Pipeline Corporation.

I found that the editorial questioned and the question I believe that the gentle lady has asked is about the same thing. It is based on a false premise. The Portland

Pipeline is a wholly owned subsidiary of a consortium of Canadian oil companies. They determine in large measure who ships the oil. They have the right through contracts and through—if you will pardon the expression, economic muscle that they can bring to bear. They can demand that the oil that they ship to be transported through their pipeline—and keep in mind that they control the price; they control the price. They can determine whether or not they seek out a well manned ship, a modern ship, or whether they go out and hire a rust bucket to save a couple of thousand dollars here and there. So they have the right through their contracts, in all but a very few instances, to determine who ships the oil in there; and I think it is basically a false premise to suggest that they have no control over this.

Now we have worked and worked and worked on a way to attempt to amend this thing, to provide in those instances where there is in fact no control or no economic interplay between the shipper and the owner of the oil and the terminal facility and so forth, but very frankly it boggles the mind because we just can't do it.

Now I want to make it absolutely clear, which the editorial to which I refer did not make clear, and that is that the primary fundamental, first, absolute liability is on the person causing the spill; and the only time that the vicarious liability would come into play would be in the event that the party causing the spill was financially irresponsible that he did not possess the financial capacity to respond in damages, and I am sure that the lawyers in this House would tell you that there are instances time and time again where we place some engaged in a hazardous activity under a non-delegable duty to respond in damages to those who were injured or damaged by his activities.

It is for this reason that I say that the concern here just doesn't merit in my judgment objective analysis, and I feel very strongly that we must understand that the party primarily liable is the ship, the shipper. Now as far as the

insurance situation is concerned I happen to represent—and I probably should disqualify myself if only on grounds of conflict, I happen to represent the insurance company involved in this instance, and I suppose if I were going the other way on this thing I would have to disqualify myself. But I suggest to you that there are a great many considerations that go into a determination of whether or not an insurance company is going to insure this kind of an activity, and it doesn't have a whole heck of a lot to do with this question of vicarious liability.

The SPEAKER: The pending question is passage to be engrossed as amended. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 passage to be engrossed as amended of Bill "An Act relating to Coastal Conveyance of Petroleum," House Paper 1459, L. D. 1835. If you are in favor of this Bill being passed to be engrossed as amended you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Barnes, Bedard, Benson, Bernan, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, Buckley, Bunker, Burnham, Carey, Carrier, Carter, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Couture, Crommett, Crosby, Croteau, Cummings, Curran, Curtis, Cushing, D'Alfonso, Dam, Danton, Dennett, Drigotas, Dudley, Durgin, Dyar, Emery, Erickson, Eustis, Evans, Farnham, Faucher, Fecteau, Finemore, Fortier, M.; Foster, Fraser, Gauthier, Gilbert, Goodwin, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Heselton, Hewes, Hunter, Immonen, Jalbert, Johnston, Jutras, Kelleher, Kelley,

K. F.; Kelley, R. P.; Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Nadeau, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Ricker, Rideout, Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Sheltra, Snow, Soulas, Starbird, Stillings, Susti, Temple, Thompson, Trask, Tyndale, Vincent, Wheeler, White, Wight, Wood. NAY—Williams.

ABSENT—Coffey, Cox, Donaghy, Fortier, A. J.; Giroux, Good, Hichens, Huber, Jameson, Keyte, Moreshead, Ouellette, Santoro, Tanguay, Waxman.

Yes, 134; No, 1; Absent, 15.

The SPEAKER: The Chair will announce the vote. One hundred thirty-four having voted in the affirmative and one in the negative, the Bill is passed to be engrossed as amended by House Amendment "A" and it will be sent to the Senate.

By unanimous consent, all papers acted upon after recess were ordered sent forthwith to the Senate.

The following Non - Concurrent Matters appearing on Supplement No. 8 were taken up.

Non-Concurrent Matter

An Act to Clarify the Education Laws and Subsidy Payments (H. P. 1309) (L. D. 1623) which was passed to be enacted in the House on January 27 and passed to be engrossed as amended by Committee Amendment "A" on January 26.

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

In the House:

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen: Senate Amendment "C" to L. D. 1623 is

a duplication of legislation which is already on the Private and Special Laws of Maine. This was passed in the special session of 1961, Chapter 227. It is also, if you will examine Title 20 of the education laws of the State of Maine, covered in that under Chapter 9, paragraph 213, which states in part, "and may approve the formation of school administrative districts which had at least 100 resident secondary pupils educated at public expense, in grades nine through twelve."

Since to my knowledge there is only one island in the entire state that this amendment could apply to, namely Deer Isle, on which is located the towns of Deer Isle and Stonington, it is obvious in what direction the amendment is aimed. Stonington and Deer Isle both at present are members of School Administrative District 73, and they have approximately 143 pupils in the nine to twelve range. Under the private and special laws permission combining of the two towns has been voted upon five times since 1959 and turned down five times.

It seems unfortunate to clutter the general law books with this amendment. If the district should be dissolved in the future, there is absolutely nothing which will prohibit the two towns in question of voting again under the private and special laws with permission from the State Board of Education. Therefore, I would certainly hope that you will support the motion to indefinitely postpone Senate Amendment "C."

Thereupon, on motion of Mr. Richardson of Stonington, the House voted to insist and ask for a Committee of Conference.

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

- Mr. RICHARDSON
of Stonington
- Mrs. CUMMINGS of Newport
- Mr. MILLETT of Dixmont

**Non-Concurrent Matter
Tabled and Assigned**

An Act relating to the Commitment of Juveniles to Juvenile Institutions (H. P. 1382) (L. D. 1731) which was passed to be enacted in the House on February 2 and passed to be engrossed as amend-

ed by Committee Amendment "A" on January 30.

Came from the Senate having failed of passage to be enacted in non-concurrence.

In the House: On motion of Mrs. Payson of Falmouth, tabled pending further consideration and specially assigned for tomorrow.

Non-Concurrent Matter

Bill "An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations" (H. P. 1375) (L. D. 1724) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence in the House on February 2.

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

In the House:

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

Mr. BRENNAN: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Portland, Mr. Brennan, moves that the House insist on its former action and ask for a Committee of Conference.

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

Mr. LUND: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Augusta, Mr. Lund, now moves that the House recede from its former action and concur with the Senate.

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

Mr. BRENNAN: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Augusta, Mr. Lund. We debated this bill somewhat in the past couple of days or the past ten days anyway. Basically, unless you keep the Committee Amendment in there, we are going to have the present situation of guilt by association and that is the hypothetical I gave the other day, of the fifty college kids at a party, two were smoking marijuana, the other forty-eight are aware of it,

those forty-eight can be convicted and given eleven months in jail, plus their life being ruined just for being associated with someone who was smoking like that.

Now I think this type of document was discarded about fifteen years ago when Senator Joseph McCarthy was in his heyday, this guilt by association concept. So unless you want to keep this in the law, this guilt by association, I urge you to vote against the motion to recede and concur and then to vote to insist and ask for a Committee of Conference, so we can work out something that is sane.

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

Mr. BENSON: Mr. Speaker and Members of the House: We have debated this at some length. The guilt by association argument that the gentleman from Portland, Mr. Brennan, puts forth, I don't think is terribly valid in this case. I think that we have got to get serious about the drug laws; we have got to get just as serious about those as we do about pollution, and heaven knows, we have come to our senses about this issue. I think that if we are going to even come close to controlling a very serious problem in our society, then we are going to have to do something about it. And I don't think slapping one on the hand is the something that we should be doing about it. I think that the motion to recede and concur with the Senate is the proper motion and should carry.

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

Mr. HICHENS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of the motion of the gentleman from Augusta. I oppose the repeal of the section relating to those who knowingly allow the use of marijuana. To repeal this section does not protect the teenagers in our state as was intimated in debate last week or even yesterday. Instead, it subjects them to further temptations which may hook them and many more kids in Maine.

A national statistician last year stated that one Maine city had a

higher percentage of drug users than Chicago, Illinois. A local pastor stated that though this might be true, he knew that there was no problem in his community. Two weeks later, three students in the local school were arrested, along with an out-of-state man, for distribution of marijuana in this locality.

This problem is a growing problem in Maine, and now is the time to do something about it. I feel that the debate last week confused many of us into voting against the proposal that will protect the young people of Maine. I urge you to consider the ultimate results if we don't put the brakes on drug use among our high schoolers. Repealing the present law just allows the pushers to keep on pushing.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: Law enforcement will never solve our drug problems in this state, region or country. We are having a national drug crisis, and in every grammar school children are smoking marijuana as an experiment. We are dishonest with ourselves if we do not admit this premise. A small percentage, about fifteen percent of these marijuana experimenters go on to other drugs and could be classified as drug users. Then about five to eight percent of these fifteen percent could become drug addicts.

We are all concerned for our children, yours and mine, because these children are all potential pot smokers or potential drug victims. The consequences of using drugs will not go away just by our wishing so or by passing harsh legislation against them for smoking pot. We must stop being up tight and phonies with our young people, with our own children and grandchildren. They are crying for help and understanding and they want to communicate and understand and talk their problems over with us.

And what do we do? We try to legislate punitive measures, arrest for being present in a group smoking pot. We authorize a "no-knock"

law in suspected cases where someone feels reasonably sure that a surprise raid will produce the evidence to send the smokers to jail. We do that when perhaps we should be considering similar action as our neighbors to the north are doing, the possible legalization of marijuana.

Let us all get involved in helping and working and recognizing these young people who will govern our towns and cities in less than thirty years from now. Are you doing something in your area to enlist the support of your neighbors to form organizations in the correction of drug abuse? Each area needs an integrated group of former drug users, medical people, law people, fathers and mothers, knowledgeable in the different types of drugs who could form a self sufficient drug health unit, staffed by the younger generation, able to communicate with the older generation but also an enlightened generation. Have you attended a drug abuse meeting recently?

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

Mr. BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, the amendment that I do not want to see killed was supported by the committee unanimously. Now it is composed of ten lawyers with considerable experience. Then all of a sudden some bureaucrat in the Attorney General's office gets someone to do his bidding to kill the amendment.

Now this was thought about considerably in the committee, thinking about the dangers that a law like this can do. This potential for abuse is just tremendous.

Now I think we are up here to create a better state, not a better police state. I assure you if we delete this section in the present law, it may make it a little more difficult for prosecution. But you are going to save a lot of innocent people as far as I am concerned. So I urge you again to vote against the motion of the gentleman from Augusta, Mr. Lund.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I support Representative Lund's position. In the past three months I have posed a question to many physicians around the state and out of the state, if they have any definite medical way that they could determine whether a person involved in a head on collision has been using marijuana or those effects could be discernable? There is no known way. The reason that I have asked this question is the fact that I have been disturbed on the crash head on accidents here in the State of Maine by our teenage college youth, and there is no way they can determine whether they have been attending a pot party or not. If it was an alcoholic party they can determine this by the blood stream content. With this marijuana there is no way you can determine it, and the effects of marijuana are returnable on a person using it when they have been away from it for five or six months. That is medical history.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think primarily what we are interested in trying to see done here is a little bit of justice. If the committee reported out a bill unanimously, and the attorneys on the committee saw fit not to prosecute an innocent person at a pot party, but to actually go to the pushers and the people that are using marijuana without trying to crucify or put the blame on some innocent bystander. I think this is exactly what the committee's intention was on doing, and I don't think that by trying to remove the committee amendment that was on the bill when it was first brought before the House, that you are going to accomplish any great thing by putting behind bars innocent people that happen to be around at a party that somebody was smoking pot without their knowledge, or with their knowledge.

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

Mr. COTE: Mr. Speaker, I would like to ask a question through the Chair to anyone who may answer. If I went to a hockey game or a basketball game, happens there was 2,700 or 3,000 people, three or four people in the audience were smoking pot, would I be liable to arrest?

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

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

Mr. BRENNAN: Mr. Speaker and Members of the House: As long as they can prove that you knew that these people were smoking it, they could prove a case and you would be responsible and could be held liable and penalized, yes.

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

Mr. BERMAN: Mr. Speaker and Members of the House: When this matter came before our committee some of us frankly were puzzled because, very candidly, it posed an insoluble dilemma. If in order to try and stamp out the use of marijuana in the state we went along with what has been called "guilt by association" we would find that some people obtained criminal records because of this way of handling the problem.

Now some of us know that there is a certain amount of injustice going on in the world. Some of us also realize that among the young people the feeling that injustice is going on is one of the reasons that makes them as recalcitrant as they are. Now because of this insoluble dilemma the members of the committee after much soul searching decided that it would be better in their opinion, and I for one do not feel that their opinion or my opinion or our collective opinion is infallible, we felt that it would be better not to create a sense of injustice for those who may have innocently been caught in this web of guilt by association. And that at least from my point of view is why I went along with the rest of the committee.

Now this House, in its judgment today, will in effect determine whether we are going to proceed in handling or trying to handle this marijuana situation with guilt by association. Frankly, I don't believe it will work. If you want to try it, well go ahead and try it. But I think that what you will see is that younger people are going to be caught in the web, and when they are caught in the web they are not going to have a very favorable view toward the society which created that insoluble dilemma.

So I hope with a certain amount of soul searching that you may find it on an unemotional basis that the committee was correct in deciding to handle the problem as they did.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: It is a documented fact that the drug of most people who use heroin and other hard drugs started with was alcohol. It seems a bit hypocritical to vote here today for guilt by association with marijuana, and then rush up to the Senator Motel after adjournment for three or four cocktails.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentlewoman from Bath has made a point which we should deal with, but I am concerned with one additional question, which perhaps we should be asking ourselves. Some of us here deal with students every day, as teacher or as something else. Now assuming that two high school students were to smoke pot within the high school building, and assuming that we pass the law and we recede and concur with the other body, would I be correct in assuming that everyone in the high school, if they knew, if they knew that marijuana had been used by two students, would therefore, and could therefore be held liable?

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: In response to the question of the gentleman from Eagle Lake, Mr. Martin, I think realistically you would probably be confined to the room or at least the open area. I suspect if someone was smoking pot in the cellar, somebody on the third floor wouldn't be liable. But anyone in the immediate room, whether or not they are participating, by virtue of being there could be held liable under this law.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to prolong the debate any further, but I am afraid we may have lost sight of a couple of facts which I would like to remind you of. First of all that the provision that the opponents now like to call guilt by association is a guilt which was written into the law, and is in the law now. And so far as I know has not been the cause of any abuse.

Secondly, it was written there, I believe, as a result of the very careful scrutiny of this same committee who are now before us today opposing it. The second point which I would make is that we aren't discussing the problem that this was designed to deal with. The problem of what the law enforcement officer is able to do when he has reliable information that a pot party or a marijuana party is going to be held in a room, he goes to the room, he has a search warrant, he knocks on the door, identifies himself, opens the door, and no person in the room has anything in his possession of an incriminating nature. But under the rug, under the chair or in the wastebasket are one or more articles used in connection with the use of marijuana, and perhaps the air is heavy with the smell.

If the committee amendment which is sought to be attached here is allowed to proceed, in that instance the law enforcement officer would have no recourse at all, would have to say he was sorry for bothering them, would have to be on his way, unless he could establish somehow against one of

the individuals that he had possession of the room. But certainly he would not have any recourse against the individuals there.

Well I think most of us would agree if we are going to enforce this law at all, ought to have it enforced as against them. I would therefore hope you would vote in favor of the pending motion.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Just to make clear to every member in the House as to what we have presently in the law, and who can be prosecuted under the law now. "Whoever knowingly is present where cannabis and peyote is kept or deposited, or whoever is in the company of a person, knowing that this person is in possession of cannabis or peyote, shall be punished by a fine of not more than \$1,000 and by imprisonment of not more than eleven months."

Now if this is not guilt by association I would like to know what is. And I think the more people, that if you would find you sons or daughters brought into court with a record in the court of their names being associated with somebody smoking marijuana, this certainly would be a blot on their record just for association. So I hope that the motion will be defeated.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. LePage.

Mr. LePAGE: Mr. Speaker and Members of the House: I would just like to say a word. We have all heard, "If I am to have the name I might as well play the game." Are you trying to help these kids or make dope addicts out of them?

The SPEAKER: The Chair will order a vote. The pending question is to recede and concur. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

69 voted in the affirmative and 61 voted in the negative.

Thereupon, Mr. Brennan of Portland requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote 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 Augusta, Mr. Lund that the House recede from its former action and concur with the Senate on the disagreeing action on Bill "An Act to Permit Probable Cause Arrest on Marijuana Misdemeanor Violations," House Paper 1375, L. D. 1724. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Carey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Crosby, Curtis, Cushing, Durgin, Emery, Erickson, Eustis, Evans, Farnham, Finemore, Gilbert, Hall, Hanson, Hardy, Harriman, Hawken, Hewes, Hichens, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lund, MacPhail, Meisner, Millett, Mills, Mitchell, Morgan, Mosher, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rocheleau, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Starbird, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Wood.

NAY — Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carrier, Carter, Casey, Corson, Cote, Cottrell, Couture, Cox, Croteau, Cummings, Curran, D'Alfonso, Dam, Danton, Drigotas, Dudley, Dyar, Faucher, Fecteau, Fortier, M.; Foster, Fraser, Gauthier, Goodwin, Haskell, Henley, Heselton, Hunter, Jutras, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lincoln, Marquis, Marstaller, Martin, McKinnon, McNally, McTeague, Moreshead, Nadeau, Norris, Noyes, Ricker, Rideout, Shel-

tra, Snow, Soulas, Temple, Vincent, Wheeler, Williams.

ABSENT — Bedard, Coffey, Crommett, Dennett, Donaghy, Fortier, A. J.; Giroux, Good, Huber, Immonen, Jalbert, Jameson, Keyte, Ouellette, Santoro, Tanguay, Waxman.

Yes, 70; No, 63; Absent 17.

The SPEAKER: Seventy having voted in the affirmative, and sixty-three having voted in the negative, the motion to recede and concur does prevail.

Passed to Be Enacted Emergency Measure

An Act relating to Termination Statements under the Uniform Commercial Code (H. P. 1370) (L. D. 1719)

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. 122 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act Establishing a Human Rights Commission (H. P. 1439) (L. D. 1814)

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

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

Mr. KELLEY: Mr. Speaker and Members of the House: Anything further which I might say on this subject would, of course, be redundant. But I do think that before we proceed to fasten this straightjacket on the people of the State of Maine that we should take one last look at the evidence.

In the dying hours of this Legislature we are faced with an emotionally charged issue which was rejected seven months ago. Today the alignment on this is somewhat different than last June. Many of those who wouldn't support it then have now had a change of heart, even to the point of pub-

licely recanting their previous heresy.

Now this probably is due to the new draft which we are considering. Only a heartless cynic would say that the approaching elections in any way influence this change. On looking over the horseblanket which covers the previous debate on this I was struck by this rather curious statement by one of the proponents: "Now I submit to you that no amount of nimble rhetoric can conceal the fact that we here in the State of Maine are just as human and just as inhuman toward our fellow men as people in any other place in the world."

Now I submit to you that this statement is absurd. Do any of you honestly think that the people of Maine are as inhuman one to the other as they are, say, in Eastern Europe or in Nigeria, or perhaps some of our southern states, or some of our larger cities? The truth is to be sure sometimes hard to grasp. But it is never so elusive as when it is not wanted. The fact is that Maine deserves this legislation, or needs it, less than any state in the union.

Now even the most starry-eyed proponent admits that discrimination in Maine is practically nonexistent. And a careful perusal of this bill can show anyone what can happen to employers, landlords, public accommodations, anyone who deals with the public. Not only is this legislation unnecessary, but it panders to the malcontents and the chip-on-the-shoulder types.

Here is a hypothetical case. A friend of mine who with his wife saved his money over the years, has bought a small apartment house. Let us assume, for instance, that a member of some of the ethnic groups approaches him and wants to rent an apartment. And let us assume further that the landlord knows that this chap is a very poor credit risk, he is a trouble maker, he drinks too much; so on this reason alone he refuses to rent him an apartment. Now this chap can then run to this newly formed commission and say "These people discriminated against me because of my color." The committee can then call in this landlord for what we will

euphemistically refer to as an interview, and it is up to him to prove that he did not discriminate, and up to him to prove to the satisfaction of this commission.

Oddly enough, these restrictive bills always seem to be sponsored and supported by attorneys. The good gentleman from Augusta is an outstanding and most welcome exception.

Now I would remind you that the backbone of this state, the silent majority who sent us here, is largely made up of small businessmen, people who run our filling stations, operate motels and restaurants, apartment houses, small contractors, merchants. These are the people whom this bill would threaten, and these are the people on whom we now sit in judgment. For my part, I have the utmost faith in the people of Maine and I refuse to add this to their burdens. And to do this for purely political purposes, of course, is to compound the felony.

Mr. Speaker, ladies and gentlemen of the House, I move the indefinite postponement of this bill and all of its accompanying papers and I would ask for a division.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I shall not try to match the prepared rhetoric of the gentleman from Machias, Mr. Kelley. I have every confidence that this House will decide this issue on its merits or lack of them, rather than any emotional plea, or based on any bogeyman that might be created by what has been termed before nimble rhetoric.

Perhaps the best strategy would be to make a simple statement to say why this is a good bill, a reasonable bill and a moderate one, approved by all ten members of the State Government Committee. But the type of attack leveled on the bill and the motivations of the majority of us who have supported the bill require an answer.

I guess I stand indicted along with members of my party and the other party because of my occupation. I have never tried to take advantage in this House, if that were possible, of my occupation,

and I ask not to be discriminated against. I ask to be judged, ladies and gentlemen, my fellow members, on the basis of this bill which is certainly not exclusively my idea, which at least twenty-five or fifty members of this House have worked dedicatedly on to come up with a reasonable bill.

You know they say that when you are attacking something when there really isn't too much there to attack, you attack the sponsor or you attack his occupation. Gentlemen, I don't think that is a fair argument, and I know, due to your own high quality, it will not be an effective argument.

It has also been suggested that we are being asked to sit in judgment on people today and that this is some horrendous attack on the small businessman. Of course we know that it isn't. I am a small businessman, as are many of you, and I am from a family of them. They are the backbone of America.

It is interesting to note that there was not one witness before the State Government Committee, either as an individual or representing any association as a legislative representative, to oppose this bill. A terror is imagined in the fertile mind of the gentleman from Machias, and that seemed to be reflected in the minds of the legislative representatives of various trade associations in this state.

Now if I recall Mr. Kelley's talk correctly, he told the story about a friend of his that owned a small apartment house and was approached by a member of the minority group. The member of the minority group was a poor credit risk, was a heavy drinker and a trouble maker. And let me state very firmly, because there are false rumors about in the House or outside the House that a drunk may always be rejected. A person that drinks, if you don't want him at all, that has one cocktail a year, you can reject him as a tenant, but you can't reject the negro that has one cocktail a year and accept the white man that drinks a case a week.

That is all we ask. You can discriminate. You can discriminate

on legitimate bases, and what are they in the case of rental housing? Does the man pay his rent or is he slow in paying, or does he pay it on time? How does he treat his wife and family? Are they clean people? Do they keep up the premises? Are they friendly people, decent neighbors, civil with others? Are they free of criminal conviction? If they lack any of those qualities or any other that in your own mind you choose to erect, you can reject them.

But you may not falsely say that I don't want to accept a black man because he drinks, because perhaps he drinks a six-pack of beer a week and then accept the white man who is a drunken slob. To do so, ladies and gentlemen, would be racial prejudice that has no place in America and no place in this part of America particularly. You can reject the bad credit risk, the undesirable person, the person that doesn't bathe, but all of the people that drink and don't pay their bills and don't bathe and have other socially undesirable characteristics are not confined to one race or one religion or one ethnic origin.

The only thing this bill asks in regard to housing or the other areas covered, is treat each man as a man. Treat each man as you would be treated, on your own merits or lack of them.

The last accusation, and I would term it as such, regarding the motives of the sponsor and the other supporters of this bill who are in both parties and who are of various philosophical persuasions, was that they are motivated by political purposes. And I take it that that was meant in the narrow and the crass sense, rather than the broader sense. But on political purposes, a man would have to be a real fool in the State of Maine, in any town in this state, if he can read the census report, to think that he could be elected on a negro vote, or a Jewish vote, or an Indian vote, or the vote of any other minority group. They are not here.

In the area of human rights, as in the area of pollution, Maine in some ways has been spared from the most difficult of the problems existing in our sister state. But

we have the opportunity in human rights, as we do in pollution, to come to a responsible, workable, and just solution. I ask you, before I sit down, to consider the state of our present law in this area.

Through the kindness of Mr. Moreshead, who I hope I won't offend by saying that he is not an avid supporter of this legislation, we have before us on our desks a copy of certain sections of our statutes now in effect. It was just passed out about ten or fifteen minutes ago. I ask you to read this, or to skim over it at least with me. And if you will turn to the side labeled Fair Employment Practices Act, you will see that it basically prohibits discrimination on what I would call irrelevant grounds, and those grounds have to do with the color of a man's skin rather than the type of carpenter he is. And they have to do with what church he goes to rather than how straight he pounds a nail.

The present law, ladies and gentlemen, which Mr. Moreshead has distributed to us, prohibits these types of discrimination, and if you discriminate now, you are a criminal. You have violated the criminal law and you may be convicted and suffer a fine of between a hundred and 250 dollars for each violation. What you can't do under the present law, and what you can't do under the Fair Employment section of the bill before you are identical. The difference is what we do about it. Does fining and calling criminal an employer who does discriminate help the man who is a member of the minority group who is qualified for a job and can't get it? The answer is obvious.

The current law, although a good beginning, hasn't worked very well. It is punitive rather than helpful.

If you will switch over to the other side, ladies and gentlemen, and again the point is about the same, the second side of Mr. Moreshead's handout, labeled Discrimination, Chapter 47, is our present law in the area of public accommodations and fair housing. Again, in the field of public ac-

commodations, the present law prohibits exactly the same things that we prohibit in this bill before us. The difference is what we do about it.

A restaurateur, for example, who refused service to a member of a minority group, for reasons of racial prejudice, not because he didn't have the money or he was loaded to the gills, could under the present law be stigmatized as a criminal, and not only punished by a fine, if I am reading it correctly, of \$500, but also confined for thirty days in the county jail. That is a heck of a thing to do. The thing to do is to make sure that our restaurateurs allow people who have the money, who are decent, who wear a tie if that is required, and they want to have a steak dinner or a hamburger, to come in and have it. And the same with the area of rental housing.

The law is exactly the same. Under the present law now in effect before us, and the bill, the only difference again is what we do about it. Do we jail the landlord who refuses to rent purely because he is exercising religious, or racial, or ethnic prejudice, or do we rather try through conciliation, and if need be, if that doesn't work, through civil action, before the men in the black robes, our superior court justices who are of extremely high caliber and quite understanding of life, do we try to put a landlord in jail, or do we try to take a man who can pay the rent, who would be a decent tenant and not cause trouble, to get him some reasonable housing?

If we could make this type representation, and I say this only hypothetically on the floor, I feel strongly enough about this bill and about some of the accusations made that I for one would take a pledge, if we could extract one in return, never to bring any type of case like this in court. I never have, and there are plenty of people that can handle that sort of thing. I hope there will be very very few cases in court. I am not motivated one whit in the sponsorship of this bill, because I am a lawyer.

Perhaps I am motivated a bit because my grandmother, like I think the gentleman from Machias, came from the old country. She came to a great and glorious country and was happy to be here and was proud to be here as a citizen. But it wasn't a perfect country she came to. And the country that she came to has been made a little bit better in the last two generations by the children of those who came before, by the Yankees, if you will, and by the children of us who came a little bit later. I would like to keep this an open country and a progressive country, and I think we can be a little bit better in our country and in our state in the future. And this legislation is not the be all to end all, it will not solve all problems, but it is a start in the right direction. It is a little help, and I hope you can all find it in your hearts to support it.

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

Mr. MORESHEAD: Mr. Speaker and Ladies and Gentlemen of the House: I rise this afternoon still in opposition to this bill, and I would like to point out to you who have either been told or who fear that your vote against this bill would be a vote in favor of discrimination or bigotry, I submit to you that it would not be. That a vote this afternoon against this bill would leave us in a state of having laws on our books that adequately take care of any discrimination problems in the State of Maine, and it is for this reason, ladies and gentlemen of the House, that I had distributed the existing laws. And I feel firmly that these laws are adequate, and that any problems today in this State of Maine involving discrimination are being handled adequately by the existing laws.

And I submit to you that the main difference between what this bill will do and what the laws on the books are today is the commission. We do not need a commission. Too many people today think that the cure to our social problems in this country and in this State of Maine is to either have a commission handle our problem or have a study made of our problem.

I submit to you that the way to solve our problems in this area, and in other areas, is to enforce the laws we have on our books. And if these laws aren't being enforced let's not put new laws on the books, let's not form new commissions, let's not have studies made of the problem, let's do something about those who have the responsibility to enforce the laws.

I therefore feel that if each and every one of you take the time to read the existing laws you will agree with me that these laws are adequate, and they do solve the problems involved in discrimination in the State of Maine.

Now Mr. McTeague has pointed out that these laws are penal in nature. Well this may be well so. But I submit to you that the remedies available to one who has been discriminated against under the bill which is before us today is perhaps even worse than penal penalties. We will put this person in a position where he will no longer be able to engage himself in his business. We will tie his hands completely and take away the freedoms from him that the person who is stating that he is being discriminated against is crying about.

We are not going to—by this bill, we are going to be discriminating against the majority of the people of the State of Maine. And it will just take some person who may have a little grudge against an employer or a landlord to put this landlord or employer before this commission or before the courts and tie him up completely, and I submit to you that this is not the solution to the problem. I submit to you that if the penalty must be penal as it is now, then perhaps this is the way to stop discrimination. If the people know that if they discriminate they could be fined or they could be put in jail, this will stop discrimination. A commission is not the answer; enforcement, I believe, is the answer.

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

Mr. GAUTHIER: Mr. Speaker, through the Chair I would like to ask a question of Mr. McTeague, if in the state here there are many clubs, Franco-American Clubs, I believe there is one in Augusta,

there is one in Biddeford, Lewiston, Sanford, all around the state. If one was refused, other than Franco-American, an application to join the club, what happens under this bill?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, poses a question through the Chair to the gentleman from Brunswick, Mr. McTeague, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. McTEAGUE: Mr. Speaker, I believe that Mr. Gauthier is talking about the type club that exists, that I am somewhat familiar with in Lewiston, on an informal basis in Brunswick. This bill would have no effect whatsoever on the clubs. This is not a private club bill. This bill only deals with public accommodations like a public restaurant. So Mr. Gauthier, it would have no effect on any club.

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

Mr. MORESHEAD: Mr. Speaker and Members of the House: I would like to answer to the contrary. I feel that it does discriminate against these private clubs in the areas where these clubs may own property and rent this property to members of their club, or if this club has money available for loans to their members. This bill says if you loan money you cannot loan it on a discriminating basis. Also if you rent you cannot rent on a discriminating basis. So if the practice of these clubs are that they either rent apartments to their own members or they loan money to their own members, then I say that this bill does discriminate, and in fact the federal law on this very issue exempts private clubs from the law, but this bill before us today does not. And I feel that these private clubs would come under the bill in these limited areas.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I categorically disagree with Mr. Moreshead. I think he is

absolutely wrong on that count. I won't belabor any longer because the debate has been long and heated for some time. But only to remind you that this is a State Government bill that came out unanimous "Ought to pass" after two sessions of dealing with this subject in depth. And when the vote is taken I ask for a roll call.

Mr. McTeague of Brunswick was granted permission to speak a third time.

Mr. McTEAGUE: Thank you, Mr. Speaker. Mr. Speaker, if I may, in further and more explicit answer to Mr. Gauthier's question, rather than relying on a dogmatic statement on one side or the other, in the area of fair employment, where I was able to find this rapidly — there are similar exceptions in the other portions of the bill — the gentleman would turn in L. D. 1814 to Page 2, just about half way down the page, the definition of employer, it specifically excludes religious, fraternal and sectarian organizations.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: We have been treated to another barrage of nimble rhetoric — and I will stick with that definition even though my friend, and he is my friend, Mr. Kelley, doesn't treat that as an entirely flattering reference to his speaking mannerisms. I think it is perfectly obvious to every one of us that the way to try to right the wrong that does exist in this state is to get away from this concept of criminal penalties. I think that we should provide a forum for those who feel that they have been discriminated against to be heard. And if their complaint is without justification, then that is the end of it.

I don't think that we should read into this bill any political purposes. I have recently had some experience with the Cumberland Club and my informal poll on Cumberland Foreside shows me that I lost a great deal many more votes than I gained by my reaction to the policies of the Cumberland Club — their former policies, I might add.

The only thing that I want to indicate to you is that I don't think you should be frightened by the bogeyman and the scare tactics and the darkness arguments, and all this phony stuff. What this really boils down to, are you going to allow for a forum for these matters to be discussed? Are you going to provide a sense of responsibility to this entire matter, and deal with it in an intelligent, forthright matter? Or are you getting to, like the marijuana cigarette butts, stick them under the rug, advertise Maine as a pristine wilderness filled with great American statesmen who never stoop to anything such as prejudice or rancor or bitterness. I hope that when the vote is taken—and I support the roll call motion—I hope that when the vote is taken we will cast a resounding vote not of self-incrimination but of self-responsibility and awareness.

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

Mr. CARRIER: Mr. Speaker and Ladies and Gentleman of the House: I opposed a bill of this type in the last session twice, and I am opposing this bill again today. I am opposing it on the principle that I must have, if I am to live, freedom of choice. I must have freedom of choice as an owner of property, as an employer, and as a landlord. I submit to you that although we were told that our objections to this bill were taken care of and were taken out, I think that there is a great deceit, maybe unintentionally, was played on us. Due to the fact that some of the things that I have objected to in the last session, they were deleted from this bill 1814, but mostly in the first pages of the bill. Maybe they was hoping that I wouldn't read the other end of the bill. And two of my objections which still remain is the fact that under this bill you are not allowed, or you not actually—the bill does not provide in its entirety that you will face your accuser.

If for some reason or other you are brought in front of people or in front of the commission, it says in there by his representative

or by the commission itself or by any other. And this is the truth, and I dare anyone to deny it, because I can show them right here on the page here in the bill that it is still there.

Another part of it that I don't like, there are many parts of it that I don't like, to tell you the truth. It also states that no oral and written statement can be asked of anybody concerning this and that. Well I don't think that this is right either. It has been a practice through the years, and everything else, to be free to have any oral or written statement about anybody, and about anything about them. And I think that this is—actually I don't care if they get all kinds of oral statements and written statements about me.

I told you last week, when this was debated, that I belong to the minority group, and I am not ashamed of it. And the only reason why slowly and very slowly that I am getting out of the minority group is due to the fact that through hard work and grabbing ourselves by the bootstraps we are getting out of the minority group. And there is nothing wrong in being in the minority group. I think today that you will see that many of the people in the minority group have college educations. It doesn't make you a man because you have a college education. There are many of them that have it and probably are not as well informed as the others.

But I submit to you that I think that a bill of this nature, if passed, that actually it is bordering on taking away from one and giving it to the other. I don't believe in that principle. I believe that the person that wants to work and work hard can today provide himself with a home, can today provide himself with the necessities of life, as long as he is willing to work, and has the energy and the initiative to work. And I think this is the solution to the problem, not only this problem, but many other problems we have.

I believe that one clause which actually could be very detrimental to anybody that is brought in

court on the assumption that he has committed discrimination, if he is not found guilty, in my opinion he has no recourse. He can actually probably turn around and sue the other party for malicious prosecution. But how many of the lawyers in this House have ever been successful in defending a case on malicious prosecution? I believe that if one of them intentionally—it doesn't matter if it is intentionally or not—when he brings you in there and he does you damage you should be compensated for that damage if you are found not guilty.

On the other hand, no compensation, nothing can compensate you for the loss of your name, and the disgrace and everything else that might be carried on around. I submit to you that the present laws are sufficient. I ask again of the members of the bar, how many cases have we had around here, anywhere within this State of Maine involving this type of discrimination? The ones that we are involved, I only happen to know of one or two which is around our community, and so they got taken to court, and they—whether they were right or not, they had to pay the fine. But the main thing that I oppose this bill, and that I will oppose the subsequent bill that is coming up, is the fact that the ones that actually want to bring action and punish other people for different actions are the ones which they themselves do not own any rents, they don't carry any employees, and they are the ones that in no form whatsoever will be affected by this bill.

And if it is necessary for one to go out and buy a house and buy 50 acres of land and so nobody gets near you and stuff like that, this can be done, too. I think I can afford it, and I think a lot of others can afford it. But I don't think this is what we want to do. We want to live within a community that we are left for freedom of choice. And I think that if I own property I must have the freedom of choice. Under federal laws I haven't; under Fair Housing I haven't. I haven't had any trouble whatsoever, I don't intend

to. And I can only say to you that a bill of this type will only lead—there are many arguments today about the shortage of housing in this state. Well, I submit to you that the whole works of the ones that are trying to solve the problem of housing in this state have got the wrong approach. They have the wrong approach due to the fact that they are putting a double reverse clutch hold around the neck of the people that provide the money, and this is why I think they should be more considerate of the one. Let me own my property. Leave me alone and I will leave you alone. And I support the motion of indefinite postponement.

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: There is only one word missing in either of these bills here to correct this whole issue here today, and I don't think it has ever been brought out. Under the laws, Chapter 47 on discrimination because of race, creed or nationality, if an amendment were passed to include, after race, color, religious sect, creed, demonination, ancestry or national origin, if they had included political affiliation, I believe this would be perfect.

In the interest of conservation of money to the people of this state, this bill here, 1814, does no more than this one, and until it includes this provision where you do not discriminate because of political affiliation, then I don't think the bill is worth too much.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I too belong to the same group through proudful ancestry, that the gentleman from Westbrook, Mr. Carrier, belongs to. But if you have got any idea that I am in the minority, you come down to the corner of Lincoln and Chestnut Streets tomorrow, and I will show you who is in the majority.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I have about fifteen or twenty words to put in here. I put this bill in the same category as L. D. 1662. I feel there are certain groups in this state that are trying to take our freedom away. These were guaranteed to us under the United States Constitution and the Maine Constitution. Thank you.

The SPEAKER: A roll call has been requested. The pending question is on the motion of the gentleman from Machias, Mr. Kelley, that House Paper 1439, L. D. 1814, An Act Establishing a Human Rights Commission, be indefinitely postponed. 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 Machias, Mr. Kelley, that this Bill be indefinitely postponed. All in favor of the motion will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Birt, Bragdon, Buckley, Bunker, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Crosby, Curtis, Cushing, Drigotas, Durgin, Dyar, Emery, Erickson, Evans, Faucher, Finemore, Fortier, M.; Foster, Gauthier, Gilbert, Hall, Hanson, Hardy, Harriman, Hawkens, Henley, Heselton, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, MacPhail, Marquis, McNally, McTeague, Meisner, Mills, Moreshead, Mosher, Page, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Ricker, Rocheleau, Scott, C. F.; Scott, G. W.; Shaw, Snow, Tanguay, Thompson, Trask, Tyndale, Wight, Williams.

NAY — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carter, Chandler, Corson, Cottrell, Cou-

ture, Croteau, Cummings, Curran, D'Alfonso, Dam, Danton, Dennett, Dudley, Eustis, Farnham, Fecteau, Fraser, Goodwin, Haskell, Hews, Hichens, Hunter, Jalbert, Johnston, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lund, Marstaller, Martin, Millett, Mitchell, Morgan, Nadeau, Norris, Noyes, Payson, Richardson, H. L.; Rideout, Ross, Sheltra, Soulas, Starbird, Stillings, Susi, Temple, Vincent, Wheeler, White, Wood.

ABSENT — Brown, Coffey, Cox, Crommett, Donaghy, Fortier, A. J.; Giroux, Good, Huber, Jameson, Jutras, Keyte, McKinnon, Ouellette, Sahagian, Santoro, Waxman.

Yes, 69; No, 64; Absent, 17.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-four in the negative, the motion to indefinitely postpone does prevail.

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

Mr. McTEAGUE: Mr. Speaker, I move that we reconsider the vote that we have just taken.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague moves reconsideration of the vote that has just been taken.

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

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

Mr. Moreshead of Augusta requested a vote on the motion.

The SPEAKER: A vote on the tabling motion has been requested. If you are in favor of tabling the reconsideration motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

62 voted in the affirmative and 71 voted in the negative.

Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote on 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 Lewiston, Mr. Jalbert, that the reconsideration be tabled until the next legislative day. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bedard, Berman, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Chandler, Corson, Cottrell, Croteau, Curran, D'Alfonso, Dam, Danton, Dennett, Drigotas, Eustis, Farnham, Faucher, Fecteau, Fortier, M.; Fraser, Gilbert, Goodwin, Hanson, Haskell, Hichens, Hunter, Jalbert, Johnston, Jutras, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Lund, Marquis, Marstaller, Martin, McTeague, Millett, Mitchell, Morgan, Nadeau, Norris, Richardson, H. L.; Ricker, Rideout, Ross, Sahagian, Sheltra, Snow, Soulas, Starbird, Stillings, Susi, Tanguay, Temple, Vincent, Wheeler, White, Wood.

NAY — Allen, Baker, Barnes, Benson, Birt, Bragdon, Buckley, Bunker, Carrier, Carter, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Couture, Crosby, Cummings, Curtis, Cushing, Dudley, Durgin, Dyar, Emery, Erickson, Evans, Finemore, Foster, Gauthier, Hall, Hardy, Harriman, Hawken, Henley, Heselton, Hewes, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, MacPhail, McNally, Meisner, Mills, Morehead, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Rocheleau, Scott, C. F.; Scott, G. W.; Shaw, Thompson, Trask, Tyndale, Wight, Williams.

ABSENT — Brown, Coffey, Cox, Crommett, Donaghy, Fortier, A. J.; Giroux, Good, Huber, Jameson, Keyte, McKinnon, Ouellette, Santoro, Waxman.

Yes, 69; No, 66; Absent, 15.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-six in the negative, the motion to table the reconsideration motion does prevail.

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

The following papers appearing on Supplement No. 7 were taken up.

The Chair laid before the House the following 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) which was tabled earlier in the day and later today assigned pending the motion of Mr. Jalbert of Lewiston to indefinitely postpone House Amendment "D."

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

Mr. LEVESQUE: Mr. Speaker, I move that this lie on the table until later in today's session.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, moves that item one, L. D. 1825, be tabled until later in today's session pending the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "D" be indefinitely postponed.

Thereupon, Mrs. Baker of Orrington requested a vote on the tabling motion.

The SPEAKER: If you are in favor of tabling this matter until later in today's session you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 43 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending motion is the indefinite postponement of House Amendment "D."

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

Mrs. BAKER: Mr. Speaker and Members of the House: I have presented House Amendment "D," filing number H-692, on behalf of the delegation from Penobscot County. If you will refer to this amendment you will see that we propose to make a change in the salary of the County Attorney as shown in the bill, and further

amend the bill to change the effective date of the bill insofar as it pertains to Penobscot County only, under Section 10.

Now I have taken this action as chairman of the Penobscot County delegation at the request of more than two thirds of the delegation. I feel that this is a matter that deserves consideration by the county delegation. I think we have every right to consider this matter as it applies to our county. I cannot see that this amendment would have any bearing on the main bill, any adverse bearing on the bill. I don't see how it would hurt the main bill in any way. My amendment pertains only to Penobscot County, and I ask you to vote against the indefinite postponement of my amendment, and when the vote is taken I ask for a division.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I am a member of the Penobscot County delegation, and I am a Democrat. We talked this amendment over considerably at length yesterday at our caucus, and we had another one this morning, and we agreed on these salary adjustments, but we came up with a further extension to have this salary increase not become effective until January 1, 1971. And as the gentlewoman from Orrington, Mrs. Baker, stated, that the majority of our delegation agreed with this, and I support her amendment and not indefinite postponement of it.

The SPEAKER: The Chair recognizes the gentleman from Lewiston. Mr. Jalberty.

Mr. JALBERT: Mr. Speaker and Members of the House: As Chairman of the delegation myself, it often times does not strike me too well when someone opposes me wherein it concerns my county. I don't think, however, such is the case here. And I might say in passing that there is nothing I dislike any more than to take issue with a woman, nothing I dislike any more than to take issue with a lady in this House, and nothing I dislike any more than to take issue with

the fine lady from Orrington, Mrs. Baker. In this particular instance, it is the principle that is involved here, my friends. And it certainly is not the amendment.

The first part of the amendment is proper. That was agreed upon yesterday, and it was agreed upon unanimously. This other thing came up sometime during the night or sometime this morning.

Now the situation on this thing here would mean simply this: It means that presently there are nine county attorneys who are already enjoying a raise in salary as set forth in the bill, in a portion of the bill that is already passed into law. Six county attorneys would now have their salaries downgraded, some from \$12,000 to \$8,500, one from \$15,000 to \$10,000, one from \$12,000 to \$8,500, they would be downgraded. But the other nine county attorneys and their assistants, according to the old bill, are already, as of January 1, 1970, enjoying their emoluments, their increase in salary.

I am not taking issue with the first portion of that amendment at all. What I am taking issue is the date, coupled with the fact that the vast majority of the counties also gave an increase in salary to all of the county office holders, the County Commissioners, the Sheriffs, the Judges of Probate, the Register of Deeds, including those people in that very County of Penobscot that we are speaking of now. And for my money that is not only unfair but that is total and absolute discrimination. And that is why I am involved in this thing. It is my bill and I can see through it, a certain area, someone has said—well, if this would pass then another county would come in.

You would have to back up the bill, you would have to reengross, you would have to turn around and pass a bill that you would turn around and take away money from these people, go reaching into their pockets and taking money that they are already enjoying. And I think that is a very very bad feature of the amendment and that is why I am moving to indefinitely postpone the amendment, so that subsequently we could present an

amendment that would take care of the first part of this measure.

I have already had one member of the delegation who has voted for this amendment who has come to me and told me, "I am not going with this, I don't know as I am going to get up and say anything, but I am not going with it." And with due deference to the good lady, and she is my friend, the good lady from Orrington, Mrs. Baker, I am opposing this thing because of its absolute gross discrimination.

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 member of the Penobscot delegation, and I want to reiterate the different things that the gentleman from Lewiston, Mr. Jalbert, said. We did have a meeting yesterday. At that time it was voted unanimously for the increase in the salaries of the different attorneys. And I was the gentleman that brought up the question to the rest of the delegation, are we going to have any problems with this bill now as we have voted upon? And it was stated at that time that there wouldn't be any problems, and everything was going to be agreed upon by the delegation.

This morning I was hurriedly asked to sign a paper and I did in haste, and I can honestly say I only did it in order to get a meeting of the delegation. I arrived late at the delegation. A discussion was taking place. I sat down, somebody asked me, are you going to vote, and I put my hand up. And honestly at that time I didn't know exactly what I had voted for.

Now that I know what I voted for I will positively go against this amendment, and I will support the gentleman from Lewiston, Mr. Jalbert.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I am another one from Penobscot County, as you know. I was not aware of any meeting this morning. In my own recollection of our meeting yesterday we voted only on the first

part of the amendment which I agreed to. And I will support the first part of the amendment. I will not support the date part. And my own sentiments yesterday first were to support the bill as written originally which came out of the committee of which I am a member. We discussed the entire bill at some length, and we came out with a bill as it is now written. I went along with the amendment, and because the rest of the county's delegation seemed to think that this was just. However I am saying right here and now, if we are going to fool around with this thing too much longer I will not go for any adjustment, I will go for the bill as written, and the amendment can go hang.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: I am also from the Penobscot delegation, and am very much opposed to the last paragraph in this amendment, and would hope that you would follow Mr. Jalbert's motion to indefinitely postpone. And I would like to have the vote taken by the yeas and nays.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am a member of the Penobscot delegation, and I support this amendment in its entirety, and for some very sound reasons in my opinion.

Now every time I have come into this House — and the times have been many — these county attorneys and county officials have always been here for a raise. Now I think once every two years is often enough for them to be here. First of all please bear in mind with me a minute that these county attorneys run for this office and in Penobscot County we have very able candidates from both the Democratic and Republican side of the aisle. And at this time we do have a Democrat and he is a very able man. So it doesn't make any difference to me where the chips fall, if I think they are wrong, then so be it.

But let me tell you we have given them assistants until they don't know where to set them in the office. We have raised their pay and now we have just said you don't have to be full time. Our county attorney is trying a case today in Portland, I understand. And he is quite often out of town. In other words, I feel as though he earns a good living without being a county attorney, with all these assistants, and I think that we will be having another election and if we set this date ahead a little we will just be putting them where they should be, every two years they have got a raise. It used to be as I recall when I first come here, some two to \$500. Now it seems to be going up by the thousands.

Now the taxpayers are paying this burden. It is on a county level, or rather it is on the state level. It ends up as more government, on which I have stood here before you on many occasions, I am against more government in any form, and this is more government when you add more assistants and more money to the payroll, and I most highly support the gentlewoman from Orrington, Mrs. Baker.

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

Mr. COX: Mr. Speaker and Members of the House: I hesitate to speak on this bill, because somebody is going to say it is a lawyer's bill, and you know what happens to those in this House. However, I believe — and I think everybody in the House believes—that politics is the art of compromise. We had a county delegation meeting the other day, and we compromised. And at that time it was agreeable by a unanimous vote—no, one abstaining, I am sorry — but all but one vote, that we would not debate this on the floor, that we would not have any difficulty with it.

Now all of a sudden we have an amendment which substantially changes the agreement that we made. I think if we are going to honor any commitments we should at least honor the commitments

that we make to each other. And therefore I would go along with the gentleman from Lewiston, and hope that you would sustain his motion.

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: In case you think that there has been some under the table work here, I want to assure you that there has not been. And you have heard—as I told you, this passed by a two-thirds vote of our delegation, and I think you have heard from everyone in the other third. The delegation was polled this morning, and this noon you will remember that I called the delegation together, and we considered it as a group. And this amendment is a result of the vote. And I ask you to vote against the indefinite postponement of the amendment.

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

Mr. CURRAN: Mr. Speaker and Members of the House: As a member of the Penobscot delegation I am voting to postpone this amendment.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I don't want the House to get the impression that up in Penobscot County that some of us like to pinch pennies. Now when we had our budget for 1969 and 1970 we gave the county attorney a raise. We also gave him an assistant. Now we are not going to have a full-time county attorney, and he is certainly not going back to what his original salary was before 1969. He had an increase, and we are not discriminating against the gentleman or gentlemen up there. I think Mrs. Baker's amendment is an extremely good amendment, and I intend to support it and I hope you people in the House support it also.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must

have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote 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 Lewiston, Mr. Jalbert, that House Amendment "D" to 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) be indefinitely postponed. If you are in favor of indefinite postponement of House Amendment "D" you vote yes; if you are opposed you will vote no.

ROLL CALL

YEA—Bernier, Boudreau, Bourgoin, Brennan, Buckley, Bunker, Burnham, Carey, Casey, Cottrell, Couture, Cox, Curran, D'Alfonso, Dam, Danton, Dennett, Drigotas, Dyar, Emery, Eustis, Evans, Fee-teau, Foster, Fraser, Gilbert, Goodwin, Heselton, Hewes, Jalbert, Jutras, Kilroy, Laberge, Lebel, Leibowitz, LePage, Levesque, Martin, Mills, Mitchell, Morgan, Nadeau, Norris, Rand, Ricker, Rocheleau, Ross, Sheltra, Soulas, Starbird, Temple, Vincent, Wheeler.

NAY — Allen, Baker, Barnes, Bedard, Benson, Berman, Binnette, Bragdon, Brown, Carrier, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Crosby, Croteau, Cummings, Curtis, Cushing, Dudley, Durgin, Erickson, Farnham, Faucher, Finemore, Fortier, M.; Gauthier, Hall, Hanson, Hardy, Harriman, Haskell, Hawkens, Henley, Hichens, Immonen, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, MacPhail, Marquis, Marstaller, McNally, Meisner, Millett, Moreshead, Mosher, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Scott, C. F.; Scott, G. W.; Shaw, Snow, Stilings, Susi, Tanguay, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

ABSENT—Birt, Coffey, Crommett, Donaghy, Fortier, A. J.; Giroux, Good, Huber, Hunter, Jameson, Keyte, Lund, McKinnon, McTeague, Noyes, Ouellette, Page, Quimby, Rideout, Sahagian, Santoro, Waxman.

Yes, 53; No, 75; Absent, 22.

The SPEAKER: Fifty-three having voted in the affirmative, and seventy-five in the negative, the motion to indefinitely postpone House Amendment "D" does not prevail.

Thereupon, House Amendment "D" was adopted.

Mr. Jalbert of Lewiston offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-690) was read by the Clerk.

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

Mr. JALBERT. Mr. Speaker and Members of the House: In very brief explanation of this amendment, the Crommett Law, so to speak, would stop any changes being made midway through a session. This would not be an infringement on the law permanently, this is merely a one-shot deal to take care of the five remaining counties exclusive of Penobscot County. And in that the other 15 counties will enjoy their raises as of March one, in the other nine counties, this here, because of bookkeeping situation couldn't be done effective at the moment as signed by the governor, the Attorney General's Office has made the date effective March 1st.

Thereupon, House Amendment "C" was adopted.

Mr. Crosby of Kennebec offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-694) was read by the Clerk.

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 wish to proudly announce that I am not a member of the Penobscot County delegation, I am a member of the York County delegation. We had a meeting this afternoon, and we are all agreed to this amendment. And during the

meeting we had a healthy exchange of views, and we compromised and I fully concur with this amendment. Thank you.

Thereupon, House Amendment "E" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "B", "C", "D", and "E" and sent to the Senate.

The Chair laid before the House the following 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)

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

On motion of Mr. Levesque of Madawaska, retabled pending

passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

Bill "An Act to Appropriate Funds for School Subsidies" (H. P. 1453) (L. D. 1831)

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

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

(Off Record Remarks)

On motion of Mr. Hawkens of Farmington,

Adjourned until nine o'clock tomorrow morning.