

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

Thursday, February 5, 1970

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The journal of yesterday was read and approved.

**Paper from the Senate
Non-Concurrent Matter**

An Act relating to Termination Statements under the Uniform Commercial Code (H. P. 1370) (L. D. 1719) which was passed to be enacted in the House on February 3 and passed to be engrossed as amended by Committee Amendment "A" on February 2.

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

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

Orders

Mr. Sahagian of Belgrade presented the following Joint Resolution and moved its adoption:

WHEREAS, the New England Music Camp Association of Oakland is incorporated as a nonprofit educational institution under the laws of this State; and

WHEREAS, the camp was founded to promote Maine music and musicians and encourage a deeper appreciation for the "universal language of mankind"; and

WHEREAS, the true value and significance of the institution's cultural contribution to the State is the musically enriched lives of hundreds of boys and girls; and

WHEREAS, the New England Music Camp Association has completed a third of a century of successful accomplishment in advanced music pedagogy; and

WHEREAS, weekly summer concerts, one of the delights of the camp, will have special significance to summer tourists and visitors during this Maine Sesquicentennial year; now, therefore, be it

RESOLVED: That we the members of the Senate and House of Representatives of the 104th Leg-

islature assembled this day in special session unite in commending the New England Music Camp Association, its officers and staff, for the high and lasting worth of this achievement over the past 33 years and offer our support and encouragement with best wishes for many years of continued success; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to Mrs. Paul E. Wiggin, President of the Association. (H. P. 1469)

The Joint Resolution was adopted and sent up for concurrence.

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

WHEREAS, for over 200 years the rivers and streams of the State of Maine have been used for the commercial transportation of logs and pulpwood to feed the mills of the lumber and paper industry; and

WHEREAS, through purchase and legislative action certain legal rights have been acquired for such use; and

WHEREAS, through the continuation of such use the rivers and streams of the State have had deposited within them quantities of bark and sunken logs which have contributed substantially to the pollution load of such streams and rivers; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study such practice, its effects on said streams and rivers, the alternative means of transporting said logs and pulpwood, possible time tables for eliminating or phasing out such river use, and the effect on whatever legal rights may presently exist by curtailing or limiting such practice; and be it further

ORDERED, that the State Department of Forestry and the Water and Air Environmental Improvement Commission be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary or desirable to carry out the provisions of this Order; and be it further

ORDERED, that the Committee report its recommendation, to-

gether with such proposed legislation as it may deem appropriate, to the next regular session of the Legislature. (H. P. 1470)

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

Mr. FINEMORE: Mr. Speaker, I would ask for a vote on this.

The SPEAKER: A vote has been requested on the passage of this Joint Order.

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

Mr. DAM: A question, Mr. Speaker. Would it be possible for me to speak on this order before the vote is taken?

The SPEAKER: The gentleman may proceed.

Mr. DAM: Mr. Speaker and Members of the House: The reason I presented this order, as I said the other day, I hope that the House would feel that they would want to feel that there were conservationists all over the State of Maine, and not only in certain areas. As I said, I could support conservation along the coast, I could support legislation to do away with oil spillage or to protect the coast against oil spillage; and I hope that when the time comes that this House could support my order pertaining to the Kennebec River in my county.

The Kennebec is one of our larger rivers and the main stem is well over 200 miles in length. It is fertile, it is potential as a recreation area for the millions of people who live within a few hours driving time. Yet one thing stands in the way of its fullest potential, and that is the pulpwood logs that prohibit the use of the river. There are several areas along the main stem where the pulp is stored from bank to bank four to six, sometimes eight miles in length. Thereby it poses a problem to the people that want to use the river; in fact it prohibits the people from running their boats on the river.

If this were just being used for the transportation of pulp and it was being transported in a fairly expedient manner, then I would not object too strongly. But the river — in this case I speak of the Kennebec, is being used as a debarking process by the paper

mills. The pulp is cut and it is dumped into the river, it is boomed off, and it lays there — three months, four months, five months. Some of the bark falls off and goes to the bottom of the river. The logs turn over; more bark falls off. This saves the paper companies a great deal of money when the logs go to the mill, because there is not too much bark left on these logs.

Some people will say that this residue or the bark that falls off is not detrimental to the fish. In our last regular session each member of this House received a copy of this booklet, "Fish Management in the Kennebec River," by the Department of Inland Fisheries and Game. It clearly states that this does foster troublesome growth of algae, it is detrimental to fish life along the river. I feel that if the residents of the State of Maine under this last bond issue of \$50 million are going to be required to pay out of their pockets money for pollution abatement and in turn the towns, such as my Town of Skowhegan, spending \$2.8 million for pollution abatement equipment, the Town of Norridgewock four miles to the north of me, the Town of Madison twelve miles to the north of me, the Town of Solon fifteen miles to the north of Skowhegan, and the Town of Bingham twenty-eight miles to the north of Skowhegan, if all these towns and all these people are going to be asked to spend money by taxes and direct taxation to take the municipal pollution from the river, I feel then that this river should be opened up to the people — not only in my area but to the people of the State of Maine, so that they can come and run their boats on this river.

I don't feel that it is right to tax the people through the issuance of a state bond issue for pollution abatement and the towns to come directly through the process of taxation, and then say to the people, "You have cleaned up this river, not so that you can use it, not so that your children can use it, not so that the tourists coming into the State of Maine can use it, but you have cleaned it up to

make this water cleaner for the pulpwood companies and the log driving companies to float their pulp down this river. You have made this river cleaner for the power companies, so that this sludge and slush won't jam their turbines."

I don't think the people of the State of Maine are in a position, as far as being economic, to fund this program to support the paper companies. I don't think that they should fund this program to support the power companies. I think with this pollution problem the way it is, and the fact that the people have said that we want to clean up the state, I think the people also should have the right to use this river and I hope that you people can see your way clear at this time to go along with this order asking for a study and a time table to be set up by the Legislative Research Committee.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I would like to very briefly speak in support of this order which as you know was introduced during the regular session, and I believe I am correct when I say that it was passed, then it met an untimely demise in the other body. I think this is why we have a Legislative Research Committee, it is to go into areas like this and to try to accumulate the facts and make an intelligent well-formed judgment.

I am not suggesting that you vote for this as sort of a quid pro quo for the oil pollution control bill. I am not voting for it on that basis; I am voting for it because I think it is a good sound project for Legislative Research to undertake. It is not a bill, it is a study that I think can produce some significant results in this area. Thank you.

The SPEAKER: A vote has been requested. All in favor of the passage of this Order will vote yes; those opposed will vote no.

A vote of the House was taken. 113 having voted in the affirmative and 6 having voted in the negative, the Joint Order received

passage and was sent up for concurrence.

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

**Passed to Be Enacted
Emergency Measure**

An Act Providing for the Regulation of Motion Pictures for Exhibition to Minors (H. P. 1466) (L. D. 1840)

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 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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. 115 voted in favor of same and 7 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**Enactor
Tabled Later in the Day**

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

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

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

Orders of the Day

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

Bill "An Act relating to Interest Earned on Investments of Special Revenue Funds" (S. P. 654) (L. D. 1837) (In Senate, passed to be engrossed)

Tabled — February 4, by Mr. Bragdon of Perham.

Pending — Motion of Mr. Jalbert of Lewiston to indefinitely postpone House Amendment "A". (H. "A" H-698)

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

Mr. JALBERT: Mr. Speaker, I have had some members talk to me about this order, if it is in proper order, I withdraw my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, withdraws his motion to indefinitely postpone House Amendment "A".

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

By unanimous consent, ordered sent forthwith.

On motion of Mr. Richardson of Cumberland,

Recessed for ten minutes or until the sound of the gong.

After Recess

Called to order by the Speaker.

Order Out of Order

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

WHEREAS, a genuine widely-held concern for man's ability to damage and even destroy his environment has recently developed; and

WHEREAS, the cause of conservation has acquired new popularity and respectability attracting the attention of the nation; and

WHEREAS, the Maine Legislature reflects this concern with innovative and far-reaching steps to halt and regulate those forces which threaten our natural resources; and

WHEREAS, it is appropriate and proper to pause and recognize the efforts of a man who had the foresight to see long ago what many now see today; now, therefore, be it

ORDERED, the Senate concurring, that the members of the House and Senate of the 104th Legislature in special session now assembled, honor and pay tribute to the:

Honorable Ezra James Briggs who, in a day when the abundance of our natural resources seemed limitless, when our rivers were accepted as a means of conveying sewage and industrial waste, when exploitation was applauded and commercial greed condoned, had the courage to speak forcefully in defense of our future and fought a lonely fight in behalf of generations to come with the courage to be unpopular and the tenacity to be effective; and be it further

ORDERED, at a time when the Maine Legislature is attracting national attention as a very symbol of man's efforts to respect his environment, that this tribute to be paid to Senator Briggs for his unrewarded, unapplauded efforts in the Maine Legislature, which truly represents the first stirrings of a conscience now awakening and so recorded upon our journals. (H. P. 1471)

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

The SPEAKER: The Chair would request the Honorable Ezra James Briggs to come to the rostrum. The Chair has served with this gentleman in these legislative halls and has a very warm affection for him and recognizes him as the father of conservation. (Applause, the Members rising)

SENATOR BRIGGS: Thank you, it's so sweet, I should be running for something. Old politicians never die — they are just like old rivers, they just stink like they did. (Laughter) You all understand that there have been years and times in the past when I have had serious reservations about the wisdom of the Legislature. I had almost concluded that the solution might be better served by abolishing the Legislature and retaining the Executive Council. In that way we will be able to get rid of about five thousand lobbyists, it would be a lot more inexpensive operation.

However, over this last couple of weeks I think I can see real hope for the Legislature; so I hope that

you will be retained in your present wisdom. There have been a lot of interesting happenings of course. One that I recall as unusual, as I reflect back on it, is one of the House members in 1957 received a letter from the president of the principal water filthy industry directly above Bangor's drinking water supply, saying that he couldn't see any reason for water pollution legislation because there wasn't any pollution problem. About two years after that Bangor found it necessary to spend some \$7 million to clear out of the Penobscot River because of their inability to continue draining upstream waste.

In 1967 also, the lower branch — if you will pardon the vernacular, saw fit to downgrade the classification of two of the streams so that two of the municipalities wouldn't have to construct sewage treatment plants. But that other body in its great wisdom and circumspection decided not to go along with that, so it was defeated. And this proved to be a very wrong move, because it was only five years later than that when the Legislature really dropped their cookies and also dropped those classifications, in great and grievous error I feel. So you can see, when the sugar scrapes a little thin on the top of the cake, where the problem all started.

One of my friends handed me a little bit of poetry which I think you will not object to, the levity may be in accord with what you would most hope for — aside from passing the strong moratorium bill to go with the other great works that you have already done, it says,

"I am Vahlsing with tears in my eyes,

Though I'm giving them their pies in the skies,

I am known as the heel of the upper Prestile

Oh peons of Easton arise."

Thank you very much. (Applause)

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

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

Tabled — February 4, by Mr. Benson of Southwest Harbor.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-700) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen: It is necessary because of limitation of funds to prorate the subsidy during the last six months of the first year of the biennium. It is rather obvious that there is no million dollars available and I for one do not like the false thinking by moving \$969,000 back from the second year of the biennium into the first.

Since it is necessary to prorate, we must have a formula before us. Personally I would favor Column 5 of the print-out before us and on your desks, but I am offering House Amendment "A" as a point at which to start and one to use as a base for discussion. Thank you.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: This is the third year in a row that the City of Bangor has been shortchanged. This order means a loss of \$82,411. Even Column 2 of the proposed subsidy table means a loss of approximately \$200,000 for the year, which was promised to us by Mr. Asa Gordon in writing. I think this is unfair, and for these reasons I must vote against this order and I hope that all of my colleagues will do the same.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to join the comments of the gentleman from Bangor, Mr. Soulas. In my opinion this is a break faith amendment and it certainly is not too pleasing to some of our eyes, at least mine. For that rea-

son I move the indefinite postponement of this order.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view of the amendment just offered by the gentleman from Stonington, Mr. Richardson, I think it behooves every member of this House, knowing very well the error that was made by the regular session of the Legislature in dividing the two years of the biennium — one, the 1969 year of the biennium allocating subsidies in certain areas based on the 1966 valuation and for the remainder of the year 1970, or the remainder of the biennium 1970, the subsidy based on 1968 valuation.

If we are going to do anything with the money that is now being allocated as school subsidy for the year 1970, or the balance of 1970, we should incur judgments to every unit receiving subsidies by the State of Maine; at least try to prorate the amount of monies available to all units equally. If we start jockeying around with the 1966 and 1968 valuation as a base for establishing the school subsidies, which is being done on the last column of the handout that was given to you, I don't think this is going to be fair and some communities as has been indicated will suffer to some degree. Some, granted, will be less than others.

But I think if we are going to consider subsidy we would be better off with the present law on a prorated basis rather than going to change into a formula that you are going to use bases of 1968 and '70. I think this is wrong and I hope that the motion to indefinitely postpone will prevail, so that we can get a consensus of the membership of this House that the error that was made in using 1966 valuation for the first year of the biennium was in effect wrong and we should follow the law of 1970 and not try to jeopardize any of the municipalities. Thank you.

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

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

House: I concur with what Mr. Soulas of Bangor said. You know getting your ears boxed once is bad, twice is real bad, and three times is a little bit too much. We have been getting it right behind the ear up in Bangor and I support Mr. Jalbert's indefinite postponement motion.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I hope that the remarks that I make this morning will not be deemed offensive by any one. I feel rather strongly on this issue and I think I should speak my mind even though I am sure at this point whatever logic I or anyone else can muster will probably fall on pretty much deaf ears.

I would, however, like to amplify what the gentleman from Madawaska has said with respect to what I feel are the basic inequities of our going back to the 1969 distribution procedures at this time. I think for those of you who remember what was numbered L. D. 1379, more infamously referred to as Report 5A, this 5A report eventually funded in the waning hours of the session and paid, although final payments were not known until early July, was in my opinion a really hodgepodge of adjustments, limitations, and a basic ignoring of the present state valuations which are before us.

It did do some things that were worthwhile. I think if you recall the problem we were faced with when we came in here in January was one of immediate concern caused by the excessive state valuation increases. I would have to admit that by putting an extra \$4.9 million into the present law, which at that time was the old equal effort law, that some good was done. However, I pointed out in yesterday's discussion that much of this money did not do the good that it was intended to do, and I would point out that much of it was carried over to the present year to provide for property tax relief in 1970.

At this point, if we were to continue to ignore what we tried to ignore last year, namely the fact

that we have state valuation adjustments on our books, we are going to have to accept them sooner or later, I think we are just burying our heads in the sand and refusing to convince ourselves of what really is reality.

There are several things wrong in my opinion with the action we took last year. I don't feel really it would do me much good at this point to enumerate them. However, I think in terms of the possibilities we have before us you ought to all realize what you are committing yourselves to over and above the dollar and cent value that it provides for your communities.

In relation to the print-out, and I think most people now have a general working arrangement or knowledge of this print-out, Column 1 does do as the gentleman from Madawaska indicated, go back to a basic set of statistics which are now going on three years old. I am referring to 1966 enrollments. I am referring to 1966 state valuations. This in my mind is refusing to ignore the past and recognize the present.

Many of us have felt that the new law should be fully funded as Column 2 would do. At this point I feel it worthless to try to promote this issue. However, that column does serve as a handy reference point as it will be the amount that all of your units will receive from July 1 to December 31.

Column 3 is really the L. D. 1831 distribution without funds that is now before you. If 1831 were to pass as it was at the engrossment stage two days ago, this is the amount of money you would receive.

Column 4 is an interesting column. It actually is the amount of distribution that would be called for under L. D. 1832, which was a minority report and not accepted. However, I would point out also that Column 4 is probably the amount of money that your units would have received if we in this Legislature had done nothing, namely if the department had administratively been forced to prorate.

I don't like Column 5 any better than many of you. However, I feel it is a compromise in the minds of those who feel that we should go back, and in the minds of those who feel we should recognize the present. I am saying that I think it would look a lot better to a lot of you if it had a little bit more funding to go along with it. However, be that as it may, I believe Column 5 probably is the best approach for us at this time. I feel that the amendment is an honest amendment, there is nothing under the table about it.

However, I don't feel that at this time this is a progressive move for us to take, and I would support the indefinite postponement of the amendment.

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

MR. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: We have three basic alternatives, one of which is not before you in printed form, and I just want to make clear that it does exist. And that is to go through what I consider essentially a dishonest financing scheme to move the monies up from the second year of the biennium, spend them in the first year, and then present the 105th Legislature with a bill for roughly \$969,000, and say, "Here, pay it, because we didn't have the guts to make the decision in the 104th." And I think that that alternative which has not as yet been formally suggested here on the floor of the House, I think it should be rejected.

The second alternative is to try somehow to raise \$969,000 to fund the difference. And I think that every one of you in this House recognizes the fact that we just don't have the money.

The third alternative is to go to a proration formula of one kind or another. Apparently there is a division of opinion here as to whether that proration formula should be on the basis of formula one or Column 1, or Column 5.

Now I am going to vote against indefinite postponement. I would accept, and I think many of the others of you will, the necessity for proration, but I want to make it

clear that we have really at this time only two courses of action that we can take, in my judgment, and that is either Column 1 or Column 5. Thank you.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman from Cumberland has indicated, he seemed to think that we have only got one of two alternatives, one or five. I think if you look at your handout that is in front of you, you will find out that Column 4 requires no appropriation, and it will prorate all units as is presently in the law. Or if you will look in the L.D.s that were handed to you, 1832 will do just that without any additional appropriations. And I think if we are going to treat one community, we ought to treat them all on the same basis as is presently under the law, by prorating all units equitably throughout the state.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion to indefinitely postpone. I will say that my position is not too much different than that of Mr. Millett. However, there is no question but what most of those in favor of indefinitely postponing are in favor of Column 4 on the print-out sheet you have. That I cannot go along with. We made a commitment to the communities at the last Legislature that they would not be cut back—they would receive 90 percent of their previous school subsidy. Now if we adopt Column 4 and cut everybody, those communities who lost a lot in the original bill last winter would take a further cut below the 90 percent which we had assured them that they would get. Consequently I hope that the motion to indefinitely postpone fails, and that we adopt the amendment offered by the gentleman from Stonington.

Mr. Levesque of Madawaska requested a roll call vote.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Obviously in the last session of the Legislature when the \$22 million bond issue was proposed it was presumed that this would pay the cost—this was figured on the basis of the 1969 subsidy allocation, and there was sufficient money there to do that. Then we shifted over to the '70, and found out that we lacked nearly a million dollars of doing this.

If you look at your sheets you will see that the towns that will suffer from going away from the intention, as I put it, of the last Legislature in allocating this bond issue on that '69 valuation, the towns that will suffer mainly over the state are the small and the poor towns.

When we passed the Sinclair Law some years ago it was the philosophy of that law that the towns, the poorer towns with a large amount of students were to benefit from such moves as this. Apparently the shift in the recent sessions of the Legislature has gone the other way, and this could be the last chance, I think, that some of these towns will have to benefit from the philosophy of that law which I think was a very good law. I hope you do not go along with the indefinite postponement of this amendment.

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

Mr. SAHAGIAN: Mr. Speaker and Members of the House: As the sponsor of this \$22 million bond issue I can't go along with the philosophy of indefinite postponement. The intention at the time that I sponsored this bond issue was to help the small towns. And under the other direction it is going to hurt the small towns where they need most of the help. And I hope that the indefinite postponement will not prevail.

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

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

House: As one of those representatives who represents ten small towns, I would like to tell you what this amendment would do for my SAD. It would cut \$70,000 on SAD No. 27, as to what we had promised them and as to what they would be receiving. If it is our intention to help the small towns, then obviously this amendment is not the solution.

My School Administrative District was one of those who last March approved the budget on the hopes that this Legislature would raise the additional money, and it did. And if it had not we would have had to close our schools, and it was that simple. We educate 2,600 children in our SAD, and our state valuation is extremely low. We do not have the financial ability and the financial means of educating this number of students on our own. And let me point out to you that if we are interested in the small towns, and if we are interested in not preserving the inequities of the last evaluation of this state in '66, and using '66 valuations, then we should vote to indefinitely postpone the amendment as offered by the gentleman from Stonington.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Harking back to the oftentimes remarks that I have made over the years that I first accepted the general subsidy program known as the Sinclair Act, knowing fully well that it would cost us three dollars per pupil, regardless of what category of schooling they might be in my community, which may be the second largest city in the state, but certainly is not the wealthiest. Last session I accepted Amendment 5-A which poured five or six million dollars helping again the small towns. It meant not one cent more additional money into my area, but by gorry I will tell you someone is going to have to talk loud and long for me to swallow this when I know it is going to cost my area \$40,000.

The SPEAKER: A roll call vote has been requested. In order for the Chair to order a roll call it

must have the expressed desire of one fifth of the members present and voting. All in favor of 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 "A" to Bill "An Act to Appropriate Funds for School Subsidies," House Paper 1453, L. D. 1831 be indefinitely postponed. If you are in favor of House Amendment "A" being indefinitely postponed you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bedard, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, D'Alfonso, Danton, Drigotas, Dyar, Emery, Fecetau, Fortier, M.; Fraser, Gauthier, Gilbert, Giroux, Good, Goodwin, Harriman, Hunter, Jalbert, Jutras, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, Levesque, Lewin, Lund, Marquis, Martin, McKinnon, McTeague, Millett, Mills, Mitchell, M o r e s h e a d, Morgan, Nadeau, Noyes, Ricker, Rocheleau, Ross, Soulas, Temple, Vincent, Wheeler.

NAY — Allen, Baker, Barnes, Benson, Berman, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Erickson, Evans, Farnham, Faucher, Finemore, Foster, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Heselton, Hewes, Hichens, Huber, Immonen, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, LePage, Lewis, Lincoln, MacPhail, Marsteller, McNally, Meisner, Mosher, Norris, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Starbird, Stillings, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

ABSENT — Coffey, Eustis, Fortier, A. J.; Jameson, Keyte, Ouellette, Santoro, Sheltra, Susi, Tanquay, Waxman.

Yes, 63; No, 76; Absent, 11.

The SPEAKER: Sixty-three having voted in the affirmative and seventy-six in the negative, the motion does not prevail.

Thereupon, H o u s e Amendment "A" was adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

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

Divided Report

Report "A" of the Committee on State Government, acting by authority of Joint Order (S. P. 657), reporting a Bill (S. P. 662) (L. D. 1844) under title of "An Act Giving Special Interim Legislative Investigating Committees Access to Certain Records" and that it "Ought to pass"

Report was signed by the following members:

Mr. WYMAN of Washington
—of the Senate.
Messrs. DONAGHY of Lubec
RIDEOUT of Manchester
DENNETT of Kittery
MARSTALLER

of Freeport
—of the House.

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

Report was signed by the following members:

Messrs. BELIVEAU of Oxford
LETOURNEAU of York
—of the Senate.

Messrs. D'ALFONSO of Portland
STARBIRD

of Kingman Township
Mrs. GOODWIN of Bath
—of the House.

Came from the Senate with Report "A" 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 the acceptance of the Report "A", the "Ought to pass" Report of the committee in concurrence.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House accept Report "A" in concurrence.

The Chair recognizes the gentleman from Portland, Mr. D'Alfonso.

Mr. D'ALFONSO: Mr. Speaker and Members of the House: I would ask the Legislature not to accept Report "A" but to accept Report "B", the "Ought not to pass" Report, and I ask this for two reasons.

The first reason being that I consider this to be very far-reaching and something that should not take place, knowing very well that there are certain confidences that have been assured relative to information that would be obtained by various agencies, and in particular I make reference to the MIBA. The MIBA of necessity must receive information which is of a very confidential nature. I am sure that other agencies and other departments receive information which have a very confidential nature, information that cannot be divulged, so that it may protect those who have provided the information.

It is too far-reaching. Instinct alone would tell you this should not pass. I am not going to say any more on this one point.

Secondly, I object to this legislation because of a profound feeling of principle and I can no longer contain myself and keep telling myself that I must at all times be obsequious to what takes place in the halls of this House. I believe in servile deference to a certain extent, but there comes a time when a person must make his feelings known. This particular legislation was ordered, brought out by the State Government Committee yesterday. It meant that the State Government Committee, of which I am a member, had to meet in executive session and approve of it.

Now we have seen fit to enact very far-reaching, progressive, sound, profound legislation during this special session. On Monday I was asked to introduce a joint resolution memorializing Congress that the school lunch program, which feeds over five million

hungry needy children in this country, that their funds, federal funds, would not lapse during the first weeks of March. The State of Maine of course is one of the states. During the first week of March, if the funds are not replenished by the federal government, it will mean that thousands of Maine children, school children, will no longer be with a school lunch program.

So all I asked, and I thought it was a very simple matter, that that joint resolution memorializing Congress be introduced into this Legislature. It was prepared and given to the leadership. I was summarily dismissed within about fifteen minutes, with full knowledge from the esteemed gentleman from Milbridge that he had been very willing to accept this joint resolution but that other members of the leadership would not.

Now can you imagine we have such concern for anti-pollution measures, conservation measures, but let us also consider the fact that our deepest concern should be for the conservation of the youthful minds, that at all times in a country where affluence is unbelievable, that we should make an unbelievable effort that these millions of children throughout the country shall receive their daily sustenance, that the thousands of children in the State of Maine shall receive their daily sustenance.

I have thought about this for the last twenty-four hours. At the outset I was very vindictive about having been refused; I am told that a member of the opposite political persuasion was also refused. But because of the feeling that I have for the school lunch program for needy children in this state and throughout the country, how simple a matter it is to introduce a joint resolution memorializing Congress, and perhaps knowing very well that the federal government will replenish these funds, but to simply go along with the State of Oklahoma — they accepted it. And the federal government is being told, don't let these funds lapse. So if we are interested so profoundly and so seriously in anti-pollution measures and conservation measures, then let

us also be as serious about hungry children.

For that reason, this principle, and because this was accepted and my joint resolution memorializing Congress was not accepted, I would ask you to join me in resoundingly defeating this legislation.

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

Mr. DENNETT: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I will also address myself strictly to the subject matter before us and that is on the acceptance of this bill. This bill is very simple. It simply provides that if the Legislature in its wisdom forms an investigating committee to investigate any subject, that they shall have the powers to investigate, that certain agencies of the state must disclose to them and produce their records. And that is all there is to it; it is as simple as that. If you are going to have an interim investigating committee, they must have powers. And if public monies are concerned in any agency I do not think that it is a confidential matter beyond the reach of a legislative committee.

I certainly hope that you will vote to support Report "A", the "ought to pass" report.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I find it somewhat strange this morning that we have a legislative document such as 1844 before us for consideration. It would seem to me at least that for one hundred and fifty years the State of Maine has endowed some of the powers to the executive branch, some powers to the legislative branch; and now all of a sudden after a hundred and fifty years of being a state we find out that some of the study committees need extra powers in order to do some specific studies.

It was always my belief that some of the information that is furnished by industry, is furnished by tax assessors, or other people that furnish information to the different departments for their ad-

ministration and for their complete analysis of what is going on in the State of Maine, certain powers were given to the Chief Executive alone to request and have available to him some of this privileged information. Now I don't think — and I am not trying to imply that any members of the legislative committees that are going to be trying to serve a purpose, that the legislative investigating committee or an agent, upon written demand from the chairman of the committee or any member of the committee designated by him, would ever in a century of time divulge any of the information. By all means I never would want to imply in the least sense that members of the committee or its agents would violate the trust that is put into them.

Only to remind the members of the House that for a hundred and fifty years this power has been vested only in the Chief Executive. The integrity of the members of the committee should be beyond question at any time. And there may only be the possibility that the information furnished as requested by this document may end in the hands of somebody that should not be able, qualified to see this information. There is only a slight possibility. But as long as there is that slight possibility, that some of the sacred information that the departments have as specified in this bill may end up in the wrong hands.

For example, it could very well be that some certain industries, they have got a set salary scale that is sacred to them, and possibly the Department of Labor or the Employment Security Commission that they are not at liberty to divulge now, only possibly to the Chief Executive. Should any of this information be made unknowingly available to an individual, can you imagine the competition between different industries in trying to find out what these salary scales are in the executive rank, the amount of jockeying for positions of any number of these people in order to offer competitive money to exchange some of the executive members of these different companies.

And there is numerous other information in the MIBA and MRA Departments that were based solely for the purpose that these departments were going to use for their purpose only. Otherwise, it might hinder the chances that somebody might pick up this information.

I don't think this is proper legislation. I think there may be and there should be other ways that the information needed. Now granted there may be some information requested, but the information that is going to be received might not be exactly what they want, although it is valued information.

I hope that the members of this House will think very seriously before they broaden the scope of making this kind of information available to a special committee or its agent. And I might offer this as a suggestion, in going by, that some of this information may be made available through a request by the committee or its agent through the chairman from the Chief Executive and keep it on this confidential basis, but not to extend it to this point after one hundred and fifty years.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I also am a member of the minority, or Report "B"—we are not of the minority, we are even—Stephen here apparently, of Report "B" of the State Government Committee on this legislation.

Now ladies and gentlemen, it has been thought wise to delete in the Governmental Reorganization bill part "A" which provided that the secretaries that were appointed to look into matters as regards Governmental Reorganization should have access to records that pertain to their work. It was thought wise to delete part "A" of that bill because these secretaries, it was thought, could pry too deeply into confidential records held by public agencies.

Suddenly today we have a bill that is a turnabout and goes far, far, into far far more serious regions of confidentiality. I think we are making a serious precedent, ladies and gentlemen, if we

vote for this bill—a very serious precedent. On the face of it, when I first read it, it didn't look too bad. But on further examination you can see how far it can go, if you read it thoroughly.

I do not feel that the areas into which this would go should be divulged. I do not think the heads of departments that would be affected would care to divulge much of the information, and I do not think that the people concerned in the information would like to have it divulged. I think you should go along with the gentleman from Portland, Mr. D'Alfonso and myself and the other three members that voted for Report "B", "ought not to pass," and as he says, resoundingly defeat this legislation.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill bothers me in this respect. It seems to me it is sort of a breach of faith with the business community. For example, as I understand it, a few years ago a business applies for some guarantee on a loan with the MIBA, the law states that the information, or most of it, will be confidential. And those are the terms under which the guaranteed loans are sought. Then a few years later this Legislature waves its magic wand, and all of a sudden it says that it will no longer be confidential.

Now these business firms, and I think I am speaking pretty much of the majority party which has been pretty much business-oriented over the years, and I am really surprised that an order of this nature would come from them in that regard. These business firms, I think, have a right to expect the State of Maine to keep faith with them. I think this is very very unfair to some years later say that something that is supposedly confidential is no longer confidential. Basically this is a very very unfair law.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: In the

rush of orders, amendments and other things, I have misplaced the order that asked the Committee on State Government to bring out this bill. I know I am very politically naive, but when we vote on something we are supposed to understand what we are doing, and I have picked up a little information here in this limited discussion about what this bill calls for. Of course, it had no public hearing and I guess it was written just yesterday. But as a member of the Taxation Committee, and reading it over, this seems to be pointed at the Tax Assessor and his files and records. There are two little paragraphs in it which seem to be directed at his particular department, and I was just wondering what that might imply?

Thereupon, Mr. Levesque of Madawaska requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "A" on Bill "An Act Giving Special Interim Legislative Investigating Committees Access to Certain Records," Senate Paper 662, L. D. 1844. All in favor of accepting Report "A" will vote yes; those opposed will vote no.

A vote of the House was taken. 75 having voted in the affirmative and 58 having voted in the negative, Report "A" was accepted in concurrence.

The Bill was read twice and assigned for third reading later in today's session.

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

Non-Concurrent Matter

Bill, "An Act to Authorize a Bond Issue in the Amount of \$3,935,000 for the Construction of New Facilities and Equipment at Northern, Southern, Eastern, Central and Washington County Vocational-Technical Institutes and a Diagnostic Facility for the Boys Training Center. H. P. 1452, L. D. 1829 which was passed to be engrossed in the House on January 30.

Came from the Senate passed to be engrossed as amended by Sen-

ate Amendments "A" and "B" in non-concurrence. (S. "A" No. S-418) (S. "B" No. S-431)

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

The Chair laid before the House the following matter:

An Act relating to Water Quality Standards (S. P. 650) (L. D. 1828) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mrs. GOODWIN: Mr. Speaker, I have three questions I would like to pose to any member of the Natural Resources Committee or anyone else who might be able to answer.

The SPEAKER: The gentlewoman may pose her question.

Mrs. GOODWIN: Mr. Speaker and Members of the House: In the original draft of this bill there was a sentence which said: "No effluent, the temperature of which exceeds the mean low temperature of a receiving body of water of this classification, shall be discharged into such waters, or portions thereof, designated as fish spawning beds by the Department of Inland Fisheries and Game." This sentence was left out of the new draft.

Also, in the new draft there is a sentence now which says: "No heat of artificial origin shall be discharged to such waters which shall raise the temperature above 89° Fahrenheit." The highest temperature used in the original draft was 84° Fahrenheit. There has been a five degree increase.

Also, there is a new section added which says: "There shall be no discharge of heated effluent into waters of this classification which will raise, outside of established mixing zones, the monthly mean of the maximum daily temperature of the total of such waters prior to such discharge more than 5° Fahrenheit." Just what is a mixing zone, and why was this added, and who would benefit by these three changes?

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, poses a question through the Chair to

any member of the Natural Resources Committee who may answer if they choose.

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

Mr. SNOW: Mr. Speaker and Members of the House: I don't know as I can answer these questions specifically. In general, this bill came about in order for Maine to qualify and to meet the requirements set forth by the Federal Government in regards to pollution control. These are requirements as far as temperature and so forth, that are mentioned in the L. D. we feel does enable Maine to meet the requirements set forth and that is the reason it came out of committee "ought to pass."

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

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

Mr. JALBERT: Mr. Speaker, I would ask if I could make a parliamentary. Going back to Supplement No. 2, we receded and concurred, that we engross the bill again?

The SPEAKER: The answer is in the affirmative.

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

On motion of Mr. Richardson of Cumberland,

Recessed until one o'clock in the afternoon.

After Recess

Called to order by the Speaker.

The SPEAKER: The Chair would request that Mrs. Lincoln and Mrs. Wheeler attend on Mrs. Dorothy Berry who the Chair recognizes to be in the back of the hall. Will these two gentlewomen please wait upon Mrs. Berry.

The Chair recognizes the gentlewoman from Orrington, Mrs. Baker, who requests permission to briefly address the House on the record.

Mrs. BAKER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to take this opportunity to reflect for a mo-

ment on the many years of outstanding service of Mrs. Dorothy C. Berry, head legislative technician at the Office of Legislative Research. As you know, the chief, if not the only, function of a legislative body, is the consideration of proposed legislation — to enact or to defeat measures offered ostensibly as needed for the common good and welfare of the entity.

Every citizen is presumed to know the law. The law, therefore, should be written, as nearly as possible, clearly and concisely so that each citizen can know it if he chooses. Every bill certainly should be in the best form possible. This includes style, diction and phraseology of the bill as well as its technical correctness and legibility.

Now, let us consider the task of the legislative technician from the standpoint of preparing drafts of various types of bills, resolves and constitutional amendments for introduction into the Legislature. An employee in this class has the responsibility for typing proposed legislation in its proper form, including a precise examination for uniformity, correct mechanical and substantive form and correct reading to the statutes.

This may seem mere trivia. Yet it is not. Maine has 97,018 sections in its statutes and if just one unnecessary word could be stricken from each of these sections, then we could eliminate 97,018 words and reduce the size of our statutes by approximately 319 pages. Unfortunately, there are still those who believe that a statute cannot be repealed effectively by merely stating: "Section 319 is repealed" They feel one must say, "Section 319 is hereby repealed." The statutes should be brief and to the point and if this policy is strictly adhered to will materially reduce the number of words and thus the volume of our law.

This brief account illustrates but a part of the exacting world of Mrs. Dorothy C. Berry, now serving her thirty-fifth year in the Office of Legislative Research. Her thorough, yet impartial knowledge of legislative proceedings with particular reference to the drafting, processing and enactment of bills and resolves in conjunction with

her outstanding ability to draft legislation quickly and accurately with careful attention to technical requirements and proper form have been a great service to the Legislature and most certainly deserves our individual thanks and best wishes on the eve of her retirement.

May I suggest, Mr. Speaker and fellow colleagues, that Mrs. Berry be escorted to the rostrum of this chamber amid applause to receive the word "gratitude" for her last official headnote.

Thereupon, Mrs. Berry was escorted to the rostrum by Representatives Lincoln and Wheeler amidst applause, the members rising.

Mrs. WHEELER: Dorothy, I present this gift to you on behalf of the members of this House, for your kind and courteous treatment to us all through the years. (Handing gift to Mrs. Berry.)

Mrs. BERRY: Thank you very much.

The SPEAKER: Mrs. Berry, as Speaker of the Maine House of Representatives I couldn't see this special session of the Legislature close without recognizing you and your friendliness to all of the people. The ladies of the House felt that this would be a little ceremony in honoring you before we do close, and they have all served as a committee to see to it that you did have the red carpet rolled out in good treatment.

Mrs. BERRY: Thank you, everyone, very much.

The SPEAKER: Will the Sergeant-at-Arms escort Mrs. Berry and the committee to the rear of the Hall of the House.

Thereupon, Mrs. Berry and the committee were escorted to the rear of the chamber, amidst applause, the members rising.

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

Divided Report

Majority Report of the Committee on Natural Resources on Bill "An Act Providing for Moratorium on Construction of Certain Industries" (S. P. 602) (L. D. 1773) reporting same in a new draft (S.

P. 661) (L. D. 1843) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY of Cumberland
 REED of Sagadahoc
 SEWALL of Penobscot
 — of the Senate.

Mrs. BROWN of York
 Messrs. HARDY of Hope
 EUSTIS of Dixfield
 — of the House.

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

Report was signed by the following members:

Mr. SNOW of Caribou
 Mrs. COFFEY of Topsham
 Messrs. CURRAN of Bangor
 JAMESON of Bangor
 — of the House.

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

In the House:

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

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

The SPEAKER: The gentleman from Caribou, Mr. Snow, moves the House accept the Minority "Ought not to pass" Report. The gentleman may proceed.

Mr. SNOW: Mr. Speaker and Ladies and Gentlemen of the House: We have passed in this session of the Legislature pieces of legislation that will protect the water, the seacoast and the land of this state. We have furnished this legislation and these acts to the Water and Air Environmental Improvement Commission. We have furnished them with the money to carry out these acts, and in my opinion this moratorium is absolutely unnecessary, and I move that you accept the minority report.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I believe this moratorium is necessary, very necessary. In the first place neither of our two far-reaching bills which we have enacted take effect for three months until after the close of this session. Time is

needed for the Environmental Commission to set up rules and regulations, to hire the qualified people which are necessary to carry out the intent of this legislation already passed.

As I said before, it is no simple task to bring before this Legislature a perfect bill when we are pioneering in a whole new legislative field. Anyone who faces the future realistically knows that there are going to be problems. Therefore, under the moratorium a continuing study of the problems surrounding these two measures can be carried out by the Environmental Commission with the qualified people to make recommendations to the 105th Legislature.

Just as I believe that the \$4 million bond issue was a safety measure and good insurance while the oil conveyance site and site bill were being implemented, I believe this moratorium offers protection and safety insurance during a prescribed length of time. It is not forever.

Obviously the vote yesterday overwhelmingly shows this House believes the public interest in our environment must be protected. And for the same reason I urge you to vote for the majority report and vote against the motion to accept the minority report.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: We have indeed passed two very significant pieces of legislation, one the Site Selection Bill and the other the Oil Pollution Control Bill, both of which were signed into law by the governor not an hour ago.

We now have the question of a moratorium, and I share with you who feel the concern that we shouldn't in the mood which grips us now pass unwise or poorly thought-out legislation just as an effort to make a show for our constituents, or for those who are committed to this proposal.

However I do feel that a limited moratorium, limited in scope, and limited in point of time to fulfill the genuine and legitimate objectives that we envision, is a good idea. It is for this reason that I ask you to vote against accept-

ance of the minority report. I ask you to accept the majority report in order that I may at third reading bring to your attention an amendment to the majority bill.

Now I want to make it clear that along with many of you I feel that if we start slapping on moratoriums indiscriminately and for no valid purpose, we are not only going to run afoul of the law, but we are also going to take steps or actions which may very well prove unnecessary.

So I hope that you will vote against acceptance of the minority report, and I request a vote.

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

Mr. SUSI: Mr. Speaker, I have a question that I would like to direct to the gentleman from Cumberland, Mr. Richardson, through the Chair.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, poses a question through the Chair. The gentleman may proceed.

Mr. SUSI: My question is this. What would be the substance of the amendment that would be offered in case we turn down the "ought not to pass" report?

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: The present bill before you has two moratorium dates in it. One is for 90 days following the adjournment of the next regular session of this Legislature. And I very frankly feel that a moratorium for that period of time is not only legally indefensible, but it is indefensible when referring to the actual facts that lead to the necessity for a moratorium. I feel that the period is much too long, and my amendment would propose to reduce the time of the moratorium to July 1 of this year. Not 90 days following adjournment of the 105th Legislature, which we could hopefully predict as being October or November of 1971.

The second thing is that I believe that we should enact a moratorium which is related to giving the Environmental Improvement Commission the time to collect the data, to train the per-

sonnel, to issue the rules, to enact the regulations that we call upon them to carry out in the environmental protection bills, two of which we have just recently seen signed into law. And I would hope that we would defeat the motion to accept the minority report so that this House can come to grips with this issue of a moratorium, on a moratorium that in my judgment is legally defensible and one which is defensible on the merits.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I arise to oppose the pending motion to accept the "ought not to pass" report and to enlarge briefly upon the remarks of the majority floor-leader and point out exactly what the difficulties are that face the Environmental Improvement Commission in coping with the legislation that we are asking that Commission to enforce.

Prior to the regular session of the Legislature, the Environmental Improvement Commission had only essentially one set of statutes to enforce, and that was the Water Improvement Laws. At that time, at the regular session, they had a personnel count of about twenty-one people. And I can assure you that in my own contact with that commission they were behind in much of the routine work that they had to do. At the regular session we increased their duties by adding the matter of regulating air quality. We authorized a personnel increase at the regular session of nine additional positions. Apparently because we are not prepared yet to be competitive in the market, not a single one of those positions has yet been successfully filled.

This gives you all some idea of the problems that we are facing in attracting technically qualified people to work for the commission. And in the face of the fact that the commission is the same size today that it was at the time of the regular session, we have added the additional duties of the Coastal Protection Bill and the Oil Transportation Bill, and they have the same number of people

today that they had then. So not only does the commission have the problem of working out regulations, they have got to find some competent people to help them carry the load. And I think this reason alone is sufficient justification for us to give serious consideration to the question of moratorium. I therefore hope you will vote against the pending motion to accept the "ought not to pass" report.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: When we met in executive session the other day, it was my understanding that we left the bill with the emergency preamble on it. Therefore, I don't understand Mr. Richardson's remark that it was going into effect 90 days after the adjournment of the next regular session. We left the emergency preamble on it and set up a stipulation of March 25, I believe, of 1971.

I would also comment on Mrs. Brown's remarks about the money and the study of it. The Task Force has already spent \$18,000 on studies for this.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: If I may, I would like to attempt to correct an impression that may have been left by the preceding speaker, and I am sure it was unintentional.

The L.D. before us, 1843, which the majority asks us to accept, and which I believe we should accept so that we can discuss the amendment, does indeed have an emergency preamble on it, and that is, it takes effect immediately. However, within the body of the bill, under Section 471, the following statement appears: "The Legislature intends by the enactment of this article to exercise the police power of the State by prohibiting the establishment within this State of petroleum"—and I am sure they mean "petroleum"—"refining and ore smelting industries until 90 days after the recess

of the next regular session of the Legislature."

Now the bill that you are talking about has an emergency preamble on it, but the moratorium which it creates provides for a moratorium on the named industries until 90 days after the adjournment of the next regular session of the Legislature which, in my judgment very clearly, is we are talking about a moratorium until October or November of 1971. And I feel that this is the kind of legislation that would subject this Legislature to justified criticism, because I think it is patently unsupportable as a legal proposition.

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

Mr. JALBERT: Mr. Speaker, I have a question. As I see it, in certain industries this would put a moratorium on industries hiring 25 and more people. Would this—I guess directly my question would be this. Could this affect the DX contract?

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

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

Mrs. COFFEY: Mr. Speaker and Members of the House: It is my understanding, when I asked the same question in committee, that it would have no effect on the DX program.

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

Mr. ROSS: Mr. Speaker and Members of the House: Since the DX program has been mentioned, and since I come from the City of Bath, I also don't believe this would affect it at all. But I feel that this is one of the most important of all the environmental bills.

With all the scientific technology that we have in the world today, no matter how large a fund we build up, we do not have adequate measures to clean up a major spill promptly. We certainly need time. Now many technologists are working on this problem all over the

world. The solution will come, but it is not here now, and I believe that we should bide our time.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I hope that the members of the House will defeat the motion to accept the "ought not to pass" report for the same reason that I think a limited moratorium is justifiable. Therefore, if we defeat the motion before the House to accept the minority report, "ought not to pass," then we could have an amendment to the bill, having a limited moratorium which is acceptable to the Chief Executive and I think will do justice to the two pieces of legislation that were just signed by the Governor this morning.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Certainly I was one of those who played a very minor role in enthusiastically supporting the two pieces of legislation. Just the very makeup of the committee report, however, would leave one perplexed and certainly we are tossing about wordage about a purported amendment and then we hear from another area about an amendment that might be pleasing to the Chief Executive—and this comment is made by my own floorleader. The friendly opposition floorleader makes comments about an amendment, which further confuses the issue as far as I am concerned; and I don't know at this point what I in my own conscience feel is best, whether to go along with Mr. Snow's motion, whether to just defeat that and give the bill its first and second reading waiting for another amendment.

On that basis, then, I see it would be no harm at all if this bill was temporarily tabled pending the acceptance of either report and then reproduce whatever amendments you've got to reproduce, so we can look at it and make up our minds in any event which way we

want it, which way we feel is the best for us to go.

Mr. Richardson of Cumberland was granted permission to speak a third time.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen: The amendment to which the gentleman from Madawaska, Mr. Levesque, and I have referred is the same amendment. Secondly, I would suggest that as a matter of orderly and hopefully expeditious legislative procedure we might defeat the motion to accept the minority report and accept the majority report, give it its first two readings, and then we will have the amendment before us and we can decide whether or not we want the moratorium that is in the bill, the moratorium in the amendment, or no moratorium at all.

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

Mrs. COFFEY: Mr. Speaker and Members of the House: I am going to take it upon myself now to say to Mr. Richardson that the reason we signed the "ought not to pass" report I believe is because we had the same feeling that he has given us today. I would now ask, if I am in order to do so, that Representative Snow withdraw his motion.

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

Mr. SNOW: Mr. Speaker, due to the great deal of interest in the proposed amendments I will withdraw my motion.

The SPEAKER: The gentleman from Caribou, Mr. Snow, withdraws his motion to accept the Minority "Ought not to pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read twice and later today assigned.

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

Passed to Be Engrossed

Bill "An Act Giving Special Interim Legislative Investigating

Committees Access to Certain Records" (S. P. 662) (L. D. 1844)

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

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

The following papers from the Senate appearing on Supplement No. 5 were taken up out of order.

Non-Concurrent Matter

Bill "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) which failed passage to be enacted in the House on February 3 and which was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "B" thereto on February 2.

Came from the Senate with House Amendment "B" and Senate Amendment "A" to Committee Amendment "A" 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 Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that the House recede and concur and would speak to that motion.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Because it is so imperative that we understand what the position of this bill is, I am going to cover information which I am sure many of you are already fully aware of, but I thought it might be helpful if we put this matter in perspective.

As you know, the Board of Trustees originally recommended to the Legislature, to the Appropriations Committee, a bond issue in the amount of \$24,835,000. This bond issue proposal was reduced very substantially by the Appropriations and Financial Affairs Committee down to a figure, I believe, of about \$15,900,000. It was then determined and you all received a copy of a letter from the Chancellor of the University, that the sewerage treatment facility at Gorham was not indeed an emergency item, that in their judgment we could defer authorizing the funds necessary to meet that commitment. So that was deleted.

At that time the bond issue came before us, and as you know, it failed of enactment at that level. Many many of you have expressed concern about a number of the small items within the bond issue and have asked, in my judgment quite properly, why should we incur a bonded indebtedness and the debt service charges that that bonded indebtedness entails in order to handle some of these smaller projects?

Now I am not going to trace for you the many meetings that have been held and the discussions that have been endured, I am sure, by many people over the last several days. The product of all of this effort brings to us now this bill as amended by the Senate Amendment, which I ask that we recede and concur with respect to the bill in its present form as amended by Senate Amendment "A" which is filed and distributed under S-442.

Now what this amendment does, it reduces the total amount by approximately an additional million dollars. It reduces it down to \$14,850,000. It takes out the following items, the utility building at Fort Kent for \$61,000; alterations and additions at the University of Maine, Portland, \$15,000; Phys. Ed. facilities for a field at Aroostook, \$87,000; the farm relocation at Orono, \$50,000; the completion of the dormitory at Washington, \$65,000; and parking at UMP, \$85,000. It leaves intact the major capital construction items, which in my judgment and the judg-

ment of many of those of you who voted against this at the enactment stage are items that should be paid for out of surplus, that we shouldn't incur bonded indebtedness certainly with respect to alterations and repairs which are truly current services items. And we shouldn't bond for current services.

We propose out of surplus to pay for the auditorium at Fort Kent, \$56,000; the Bailey Hall and dining room facility at Gorham, \$118,000; and to put in the planning funds of I believe \$281,000 — I don't have that figure in front of me, which would delete it by Senate Amendment "A", to provide out of surplus \$100,000 for the planning monies needed in order to bring about some real order and some real intelligent, hard-nose thinking about capital construction programs.

So what this really boils down to is that we have tried to take out the many items in here, the smaller items. We have abided by the University's priority list by putting in the top priority items. They are put back in out of surplus, which is a difficult thing to do, as you can well understand.

And I want to make one further comment. L. D. 1842, which is another L. D., abolishes the tuition differential which has been the subject of so much legislative concern. And many of you have said — if the Governor is going to veto this tuition differential thing, then I don't see any reason why I should be voting for capital construction projects like this when we are giving out-of-state students what is essentially a free ride. 1842 is a separate L. D. It abolishes the tuition differential, and in its present form is acceptable to the Governor.

Now these two facts, the tuition differential thing about which we have argued so long and loud, that and the bond issue perhaps aren't logically connected, but they are connected when you consider who is going to bear the cost of higher education in Maine. And shouldn't we demand that our student population make a greater effort in conjunction with the effort being made by all the people?

It is for this reason that because of all these factors, I hope that you will recognize that we have all made a serious and I think constructive effort to reduce the size of this bond issue and to make it palatable to those of you who have expressed serious and I know genuine reservations about its size. We have done everything that we feel we can do to abide by the University's priorities and to provide a reasonable rate of growth in our capital construction program for the University of Maine.

This is not a pie in the sky program; it is \$10 million less than the Trustees thought was absolutely essential, and for that reason I hope that you will recede and concur and eventually enact this bond issue in its present form.

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith.

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

Non-Concurrent Matter

An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants (S. P. 576) (L. D. 1703) which was passed to be enacted in the House on January 28 and passed to be engrossed as amended by Committee Amendment "A" on January 26.

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

In the House:

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I realize this bill came out of the committee I was on which is partly funded from surplus and partly funded from General Fund revenue. The surplus has been taken away from it so that it is funded entirely from the General Fund revenue, but it is only funded for six months. This means that the following Legislature will be faced with funding this for another eighteen months.

And at the present the amount of money that is in the amendment, which is under filing number S-439, would be a million and a quarter which would leave a revenue gap of \$3,375,000.

I feel in this situation that it is unacceptable to me, and I am not going to make any further motion in calling for a vote on it, because I do not feel in good conscience I can vote for it.

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

Mr. CAREY: Mr. Speaker, I direct a question through the Chair to the gentleman, Mr. Birt from East Millinocket, would he buy this if it were amended to read nine percent so it could be funded for the whole year but at a reduced rate?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. MARTIN: Mr. Speaker and Members of the House: One of the greatest advantages that there is in removing and repealing the eighteen percent is the amount of paper work that has gone into the Department of Health and Welfare dealing with the settlement cases. And if we simple reduce the figure to eight or twelve percent, these five or six people in the department that do nothing but do settlement work would still have to remain because they would still have to continue finding settlements so that they could bill the individual communities the remaining portion of the money. So the great advantage is in doing away with this so that you can eliminate these positions.

You will no longer have to worry about the settlement problem and the only thing I see about this amendment is, as the gentleman from East Millinocket pointed out, it would be effective January 1st rather than July 1st. But there is some merit to this because you have to remember that some communities have already allocated their money for the 1970 year and so there is no real problem because they have already allocated that amount of money for the ADC pro-

gram. And most of the communities will in effect be having their meetings in March to allocate for this year, and so we are much better off starting fresh, and the communities will know on January 1st of next year that they no longer will have to appropriate any funds for ADC. And so, Mr. Speaker, I would move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House recede and concur with the Senate.

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

Mr. CAREY: Mr. Speaker, do I understand the gentleman from Eagle Lake to say that if we cut this down from eighteen to nine percent, we would still have the amount of paper work that we have, we couldn't get rid of any of the employees? Well then, if we fund this for only six months, is he telling me that we can get rid of the employees?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a further question through the Chair to the gentleman from Eagle Lake, and the Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have been assured by the Department of Health and Welfare that they could eliminate the employees. The only question remains, would Dean Fisher do it?

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

Mr. FINEMORE: Mr. Speaker, Members of the House: You couldn't eliminate this settlement law group until January 1, 1971. And I am in favor of what Mr. Martin has said, because I think it would be ridiculous to cut it nine percent and still spend \$75,000 a year for settlements.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I don't think it is a question of would Dean Fisher do it or would Dean Fisher not do it. I am sure of one thing, that this item would show itself

up in the next Current Services budget, and I assure you that some of us have a fairly good memory.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I share the concern of the gentleman from East Millinocket, Mr. Birt, with regard to obligating future legislatures in the manner that we are doing with this bill. However, this bill is something that has been before this Legislature in the regular session and previous legislatures. It is something that we have hoped for a number of sessions to initiate. I am going to forget my aversion to doing this thing on this occasion and go along with the gentleman from Eagle Lake, Mr. Martin, in his motion to recede and concur with the Senate.

The SPEAKER: All in favor of receding and concurring will say aye; those opposed no.

A viva voce vote being taken, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for the Fiscal Year's Ending June 30, 1970 and June 30, 1971" (S. P. 643) (L. D. 1818) which was passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence in the House on February 4.

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

In the House:

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

Mr. DENNETT: Mr. Speaker, I move that the House now insist on its former action and I would speak to my motion.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House insist on its former action and the gentleman may proceed.

Mr. DENNETT: Mr. Speaker and Members of the House: Before us today we have legislative document 1818, an act to appropriate moneys, but unfortunately this contains something else other than an act to appropriate moneys. I would call your attention to section "D" of this bill which is a section which is certainly not germane to an appropriation bill. The reason why this section was contained in this bill is beyond me completely. For all purposes, it should have been a bill that would be sent to State Government. It certainly has no place in an appropriations act.

Now what does it do? I would call it the secession act of 1970 because it certainly is an act of secession. What does it provide? It provides that the two bodies go their separate ways as far as the payment of accounts are concerned. I feel that it violates in every way the spirit, if not the letter, of the Constitution of the State of Maine which our founding fathers set forth in their wisdom that the Legislature should consist of two bodies, a House of Representatives and a Senate, which bodies should be equal bodies, but one having a negative over the other. This removes the negative of the bodies each over the other as far as the payment of accounts are concerned.

In the year 1861 a southern state attempted to secede from the Union. In April of that year they fired a shot into the federal fortress known as Fort Sumter. I feel today that the other body, in attempting to secede has fired the first shot into this bastion of democracy. This is perhaps one of the most unfair bills that ever came before this Legislature, this section. I don't refer to the bill, as far as the appropriations bill is concerned I have no quarrel. But I have a violent quarrel with this section of the bill.

The two bodies, according to the Constitution, according to the traditions of this state, must be in concurrence. They also have been in concurrence on all acts regarding payments of accounts between the two bodies. The other body has had a negative on this body. We

have had a negative on the other body. This attempts to destroy this. There is absolutely no question about it, and one body should not be allowed to go its own way regardless. And for this reason, my motion, Mr. Speaker, that this House insist on its former action.

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

Mr. BENSON: Mr. Speaker and Members of the House: Although I don't feel quite as strongly about this as the gentleman from Kittery, Mr. Dennett, I do feel that it is highly improper for language of this type to be included in a very important budget document.

We have here, as you all know, a kidney dialysis program which we all think is very important; we have a number of other items in here that appropriate money to our several state departments; we also have a section here which reduces our budget some little bit. And I think it is very unfortunate that we jeopardize this very important bill with the section here that really has no pertinence, and I urge you to vote with the gentleman from Kittery, Mr. Dennett in insisting and asking for a Committee of Conference.

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

Mr. JALBERT: Mr. Speaker, I did not hear the gentleman from Kittery, Mr. Dennett, ask for a Committee of Conference. That motion was merely to insist and I hope it remains in that manner.

I would concur with him in one way, and I think the other members join me. I am almost happy in one way that it did happen, because it affords the gentleman from Kittery an opportunity to discourse a bit on his favorite subject and that is the Constitution. It affords us the opportunity of listening to him.

I would concur with the gentleman from Southwest Harbor, Mr. Benson in saying that I feel that this document is far too important to tamper with with a proposition that should be probably handled in a separate manner by the unmentionable other branch members if they so see fit. I certainly hope that we go along with

the motion of the gentleman from Kittery, Mr. Dennett, to merely insist.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This war that the gentleman from Kittery, Mr. Dennett, refers to is of quite lengthy duration. I hope it doesn't expand too much further in this session.

On the day that this amendment was offered to the Appropriations Committee, I think other members of the committee will bear me out that I looked the other way and did not in any sense approve. I felt at that time that this would not solve the breach but would only aggravate it. And so for these reasons I certainly will go along with the recommendations of the gentleman from Kittery, Mr. Dennett.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I rise again to bring out another very important point. I recall in my first days many many moons ago on the Appropriations Committee that we had a House Appropriations Calendar and we had a Senate Appropriations Calendar. I need not tell you that in the last closing session when that was abolished by agreement by some weaker members in this body and some stronger members in the other side, when there was a greater bond, believe me we then came to a sudden halt as far as us having anything to do with the last twenty-four or thirty-six hours of this Legislature. We are completely at their mercy. And as far as I am concerned, that is as far as I want to go, and believe me, God being willing that I might be here the next session, I am going to make my move to come back with that House appropriations table so that some of us might have something to say the last few closing moments of the Legislature and cut ourselves into that famous pie-cutting contest.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I rise to agree with the other members of the Appropriations Committee and with the gentleman from Kittery, Mr. Dennett. In addition to what he has already told us, I would also point out to you that coming over on L. D. 1818 was the amendment that we killed yesterday on L. D. 1842, and this is an extra \$50,000 for the Museum Commission which we defeated 100 to 20-some odd. And so I would be more than happy to agree to insist with the gentleman from Kittery so we can iron this thing out.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am glad to see that we are finally getting our House in order. To me the dividing of the pay between the House and the Senate, or the other body, would further fracture what little power we have as a legislative branch. My feeling that if this is going to be the type of reorganization that we are going to do, I think we should sadly sit in session for another six months and find out just what is going to happen. I think the other branch, in their wisdom, may have justification for trying to eliminate the House for any particular control as the gentleman from Lewiston has pointed out, several years ago when they took out the House Appropriations table. If we now try to divide the House and the other branch into two separate bodies what have we got?

When I said the will of the Legislature to do something in reorganization of State Government yesterday, I certainly did not want to include the will of the Legislature to fracture themselves into smaller groups so that we would be further divided. So I hope that the motion of the good gentleman from Kittery, Mr. Dennett, will certainly prevail by one hundred and fifty one to nothing.

The SPEAKER: The Chair will order a vote. All in favor of insisting on its former action will vote yes; those opposed will vote no.

A vote of the House was taken.

135 having voted in the affirmative and none in the negative, the motion to insist did prevail.

Non-Concurrent Matters

Resolve to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal (H. P. 1310) (L. D. 1624)

which was finally passed in the House on January 26 and passed to be engrossed as amended by House Amendment "A" on January 22.

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

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

An Act Appropriating Funds to Combat the Drug Abuse (H. P. 1365) (L. D. 1714)

which was passed to be enacted in the House on January 22 and passed to be engrossed on January 21.

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

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

An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department (S. P. 581) (L. D. 1708)

which was passed to be enacted in the House on January 14 and passed to be engrossed as amended by Committee Amendment "A" on January 13.

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

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

An Act Appropriating Funds for Union River Anadromous Fish Restoration Program (S. P. 580) (L. D. 1707)

which was passed to be enacted in the House on January 14 and passed to be engrossed as amended by Committee Amendment "A" on January 13.

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

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

An Act Appropriating Funds for Maine Historical Society (H. P. 1319) (L. D. 1648)

which was passed to be enacted in the House on January 14 and passed to be engrossed as amended by Committee Amendment "A" on January 9.

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

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

By unanimous consent, ordered sent forth to the Senate.

The Chair laid before the House the item appearing on Supplement No. 4, which was assigned for third reading later in the day.

Third Reader Indefinitely Postponed

Bill "An Act Providing for Moratorium on Construction of Certain Industries" (S. P. 661) (L. D. 1843)

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

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

Mr. SNOW: Mr. Speaker, I now move the indefinite postponement of this L. D. and all of its accompanying papers.

The SPEAKER: The gentleman from Caribou, Mr. Snow, now moves the indefinite postponement of L. D. 1843.

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

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Having asked your cooperation in bringing this bill to the third reading stage, I am in fact sincerely rather embarrassed to stand up before you and tell you now that our best efforts have

been unsuccessful in bringing before you the amendment to this moratorium bill, which I think would make it first of all legally defensible and secondly one that would be related to the real need.

I cannot receive any assurance at all from the Chief Executive that he would accept the limited moratorium which I believe we should give consideration to. Secondly, I am advised that it is the opinion of Donaldson Koons, the chairman of the Environmental Improvement Commission, that with respect to the Site Selection bill he has no real emergency that would require the imposition of a moratorium. Certainly it seems to me that the bill that is now before you, the majority report — and my conservation friends are going to chase me all over Augusta about this, but the moratorium bill says that the moratorium with respect to these two industries shall be effective until ninety days after the adjournment of the next general session.

I don't think that that is a legally defensible moratorium. I don't see how we can single out these two industries as opposed to the many others that are involved and say that we are going to apply a moratorium on them for well in excess of fifteen months.

Now I am very concerned about the quality of the legislative product and I know all of you are. But I think that if you pass the moratorium bill you are passing a bill which in my judgment and the judgment of a lot of other people is subject to serious, serious question. If you want to pass the moratorium bill on the same basis that we have taken other action, particularly with respect to waste disposal bill, then that is up to you. I am simply indicating to you that I do not believe that this moratorium bill would survive a gubernatorial veto, which I think you are assured of receiving if you pass it in its present form. Thank you.

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

Mr. BENSON: Mr. Speaker and Members of the House: I find myself in disagreement with my

seatmate on this matter. He says that it is indefensible to pass a moratorium which will exist until ninety days after the recess of the next Legislature. I say that if this is not a good idea, maybe we ought to make it ten years, but I think that is the direction we should be heading in. Now Dr. Koons had the responsibility of the legislation which we have passed. I think that he is going to have plenty to chew on for the next few days, the next few months, and certainly for the next several years.

The gentleman from Cumberland, Mr. Richardson, says that we cannot single out a single or several industries. We have just clobbered the oil industry with a stiff regulation, one which we very properly passed almost unanimously. How come we single that one single organization or industry out and regulated them so severely? I feel that this is a proper piece of legislation, it is one that I have received more mail on than any other single piece of legislation since I have been in this Legislature.

I don't think that we should just willy-nilly cast this aside and put it down to defeat. I think that there is a great deal of support for this throughout the state. I think it is a proper move, it is in the right direction. As far as I am concerned the moratorium is not prolonged enough. So I would urge you to vote against the motion for indefinite postponement and let us support this.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I believe, as I said this morning, that this moratorium is very necessary. For the same reason that Mr. Benson speaks of, that we passed this other legislation, this is no more suspect than the other bills.

I would also like to read for you under L. D. 1843:

"The Legislature finds and declares that certain petroleum refining and ore smelting industries are looking to this State as a probable site for plant location; that such industries, unless properly

regulated, possess the potential to degrade the environment of the State in a catastrophic and irreparable manner; that state and local controls over plant site location may be inadequate; and that the Environmental Improvement Commission is neither adequately organized, staffed or funded at present to deal with the environmental threats posed by the intrusion of such industries."

This morning it was referred that there had been studies. In thoroughly discussing this I found out that these studies have been concerned with what appears to be the internal running of these plants. There are no rules and regulations that have been studied to meet the needs for minimizing the environmental hazards surrounding such plants; that is the outside environment.

I believe that the regular session of the 105th Legislature should be given an opportunity to consider and enact legislation to provide the Economic Improvement Commission with the powers and staff to regulate these industries. I would say that any substantial plant that is really planning to come here, with the tremendous financial investment that they would make, and the fact that they were making an investment for the next twenty-five years or more at least, is not going to be put off by the time of this moratorium. There is not time for them to plan and build within this few months that we are asking, until we can make some regulations that will control the environment around them.

We have heard in all of these environment bills this great question of the threat of the unconstitutionality, but in each instance there have been two points of view. This is true also in this moratorium bill. I say that there is a great need for this moratorium. I urge you do not vote for the indefinite postponement of this bill.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen: I rise in support of the motion to indefinitely postpone this bill. The State of Maine has had a moratorium

for about fifty years unofficially and it is for this reason that I will vote for indefinite postponement.

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

Mr. ROSS: Mr. Speaker and Members of the House: For the reasons that I stated this morning, I think that this is one of the most important environmental control bills that we have and I certainly think that it is important enough to request that the vote be taken by the yeas and nays.

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

Mr. McTEAGUE: Mr. Speaker, my recollection is that when we discussed this bill earlier today there were comments from several of the members regarding the DX contract with the Bath Iron Works. I read the bill and it talks about petroleum and smelting. Again if there is someone that can answer with certainty whether this moratorium would have any effect — particularly any adverse effect upon the DX contract and the things that go along with it, I would appreciate it if they would advise the House.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague poses a question through the Chair to any one who may answer if they choose; and the Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: That question cannot be answered with certainty and that is why I asked the question originally and that is why I was opposed originally to the moratorium bill and I was going to make a motion at that time not to table or else wait and have the measure indefinitely postponed. The giving out of the DX contract is so very important, not only to the area of the gentleman from Bath, Mr. Ross, but it is very important to my area and the people in my area. And because there is a question of doubt in my mind, because we are not a court of law and we are not a supreme court of law here; for that reason and that reason alone is enough for me to go along with the motion to indefinitely postpone.

I will be very happy to declare my vote as a roll call and I will not feel that I am breaking any faith or that I am going away from the two bills that I so wholeheartedly supported in the last few days.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Coming from the City of Bath, I most certainly would not support this if I thought it was going to have any effect upon the shipbuilding program there. And I think if you will look at page 2, Section 471, where it says "The Legislature finds and declares that certain petroleum refining and oil smelting industries are looking to the state as possible sites for plants."

Certainly a shipbuilding facility does not fall into those two categories, and I don't think that there is any question of a doubt that the shipbuilding DX program would not be affected.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I feel a real sense of responsibility to you to point out that with respect to the Coastal Conveyance and Petroleum Bill as I indicated to you at the time we passed it to be engrossed by that overwhelming vote, that there was responsible and respectable legal authority on both sides of the question of whether or not we could have a license fee which would generate funds for more than simply inspecting.

Now I am not aware that with respect to this moratorium bill in its present form there is any—any—written opinion or informal opinion from anybody in the Attorney General's Office, or anywhere else for that matter, who says that the bill in its present form is a constitutional exercise of the state's police power. Now if I am in error, and if there is an opinion from the Attorney General or any other responsible legal authority that this bill in its present form is constitutional, then I am willing to go along, or I am

willing to rethink my position on it. But the people who are up here lobbying for conservation interests, the lawyers on the governor's staff who have been working in the conservation area for months and months, they all tell me that they feel that the bill in its present form is unconstitutional. For one reason, it makes a distinction between an oil terminal and an oil refinery. And if you can point out any reasonable distinction in status between those two classes of oil handling and refining activities I would like to hear it.

Now if there is responsible legal authority, as I say, let's hear it now. But if there isn't, take the action which you take today with the certain knowledge in my judgment that you are going to face an attack in court which I think very possibly would be sustained.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: We seem to be facing a strange predicament. If this bill was amended so that we couldn't build ships it would not be very tasteful to the gentleman from Bath. Now all of us want to see the shipyard at Bath. And all of us know that if they get it, they are going to spoil a half a mile of shoreline making preparations for it. The concept is, I believe, or the thinking of everybody is, if all our brains have not been chilled by the breeze from the Sierra, is that the only mining that can take place is on the coast. Now there are companies in this state that have spent over \$2 million this year alone in prospecting in the inland areas of the state. The people who reside in the Bangor area and have had opportunity to read the Bangor News realize what is going on.

To pass this bill might — and I put out no false hopes — prohibit the development of a responsible mining group within the state. Now are our assets that lie underground to stay there forever, or are they to be used for the benefit of all the people of Maine? I think, too, at times we have got to stop and

think that some of our people in Maine have to work with their hands. And the only construction it seems to me that we are going to permit in this state for the next year and a half is what we pass as state bond issues. They can work on roads or they can build the University of Maine. But we are trying to kill off any private construction that might take place, and I assure you that they spend millions where the state spends thousands. I hope this bill dies a glorious death.

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

Mr. BENSON: Mr. Speaker and Members of the House: Although I don't presume to give responsible legal opinions to the gentleman from Cumberland, Mr. Richardson, I do from time to time give him advice. It seems to me that if this bill is passed, as I hope it will be, that it, like any other piece of legislation that we pass and it is questionable, may very well end up in the courts. If we find out that it won't stand the test of the courts, then so be it. But I think that this is the proper and responsible way for us to act.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I would like to be corrected if I am in error, but I believe in drafting this bill we had the help of the Attorney General's Department. We did not ask for an opinion, but we were certainly assisted by them. And with regard to the remarks of Mr. Farnham, this does not—you make it sound as though we are prohibiting these ore factories or smelting factories or your certain petroleum refining factories forever. We are only asking a moratorium until we can make some rules that will control the very thing that everybody feared so when Tepeco wanted to come into the area down near the Bar Harbor area. We are not saying that you never can have these industries. We are asking to have time to promulgate reasonable rules so we can control the environment.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I have listened with a great deal of interest to all this discussion on this moratorium bill. Now it was my understanding, when these three bills first came to be known to us, that the moratorium bill was very important until such time as we could pass statute legislation controlling oil spillage, and so forth.

Those two bills on site location and coastal conveyance have been passed. I don't think anybody can provide us with any information that an oil refinery in any form has any pollution content on the shore by oil spillage, only by the smoke stack. The last reports that I have had from oil refinery people are that they have no pollution to amount to anything coming from a smoke stack. They have a process now of reclaiming the chemicals that they use in their production that is going up the smoke stack. I am fully aware of what I am saying to the effect that one oil company has provided me with the figures on their pollution control of their smoke stacks to the effect that they have saved \$62 million to build an oil refinery in Toronto, Canada at a cost of \$62 million which they saved by reclaiming the pollutants going up their chimney. They have also built one for \$96 million in the middle of Montreal.

Now those that are conversant with the Canadian controls will know that they are much more stringent than what we have in our state. There is an oil spillage at the present time in the St. John River by the Irving Oil Company. The extent of it is not known. But if anybody is familiar with the currents of the ocean — and I know there are members here that are — they will know that the Gulf Stream going up the Atlantic Coast bears in against the Nova Scotia coast and then comes back down. And any pollutants coming from Canada or out of the Passamaquoddy Bay area will strike at Jonesboro and Jonesport

beaches, and from there on down the coast.

We have tried to talk about controlling these things, and there is no possible way we can control international pollution that I know of. I don't know of any international agreements to this effect.

There is also the proposition down in Washington County of the people who are attempting to establish industry down there which will average between \$600 million and \$800 million on first cost. This is before development of other industries that would be allocated to come into Washington County from a consortium of those companies that would produce a great deal of value, also produce a great deal of labor down there.

Now these people are not fooling around. Out in the corridor this morning I was talking with a person from over the other side of the border who is very much interested in what this legislative session does, for the simple reason that in Black's Harbor in New Brunswick and in Little Petite Harbor in New Brunswick the surveying for sites has already been done, the land has been bought in Eastport alongside the railroad track by the Irving Oil Company, they are prepared to offer these people locations in Canada with no restrictions whatsoever.

Now this brings us down to the question of the \$600 million or \$800 million. We are all aware of what we have had to contend with on education here in the State of Maine during this special session. Now when we boil this right down we don't need the moratorium, we have our coastal conveyance law and we have our site selection law. Well when we do that we have covered the situation as far as it can be seen at the present time. With a moratorium in effect these people are going to accept these offers over in Canada. They are also prepared to move. The Irving Oil man is out here in the corridor this morning, and I was talking with him. And I asked him what he was doing here. And he said, "You know very well what I am here for, I want to know what your legislative session will do. Then we

are prepared to move in New Brunswick to bring the oil companies over there.”

If this state can afford to let \$600 million to \$800 million go across the border 30 miles from our coastline, and set up shop over there, then we ought to be able to do something about cutting down the cost of education, because that is one of the biggest tax effective bases that I have heard in several years, that is going to aid our education program in the next five years. I am for the indefinite postponement of this moratorium bill.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: I assure you I do not have a reputation for being other than very brief. I would like to read to you a portion of an article that I cut out of the paper this morning, which was published from the Harvard Medical School by Professor Victor W. Sidel. “It is a well-known principle in the use of dangerous materials that anything that can go wrong will eventually go wrong if the materials are used enough, despite the most elaborate safety precautions.” If the Maine coast is destroyed by oil, I think that we ourselves will be responsible in several sessions to come.

And one of the things that I have observed in my ten years in these hallowed halls, that one of the prime ways of killing a bill is killing it by quandary. And if you will recall the other day my esteemed majority floorleader said that bill number two might go into the court, bill number one might go into the court. This one might not go into the court at all. But you have only gone down to the home-stretch. Let us not stop now, let us put in this moratorium, let it stand its mettle.

And I am sure there is no one has been more progressive for industry coming in this state than I have been. And I can't see anywhere in this particular bill that it penalizes that particular point. I sincerely hope that this bill will pass and we will go all the way in

this question so serious before us now.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Snow, that this bill be indefinitely postponed. A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of at least one fifth of the members present and voting. All persons in favor of 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 on the motion of the gentleman from Caribou, Mr. Snow, that Bill “An Act Providing for Moratorium on Construction of Certain Industries,” Senate Paper 661, L. D. 1843 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Bedard, Berman, Bernier, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Buckley, Burnham, Carey, Carrier, Carter, Casey, Chick, Coffey, Cote, Cottrell, Couture, Cox, Crommett, Croteau, Curran, Cushing, D'Alfonso, Dam, Danton, Donaghy, Drigotas, Dudley, Dyar, Emery, Farnham, Faucher, Fecteau, Finemore, Fraser, Giroux, Harriman, Haskell, Heselton, Hewes, Hichens, Huber, Hunter, Immonen, Jalbert, Johnston, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, Levesque, Lund, MacPhail, Marquis, Martin, McTeague, Mills, Mitchell, Moreshead, Morgan, Nadeau, Norris, Noyes, Page, Quimby, Richardson, H. L.; Ricker, Rideout, Sahagian, Scott, G. W.; Shaw, Snow, Soulas, Susi, Tanguay, Temple, Vincent, Wheeler, White, Williams.

NAY — Barnes, Benson, Brown, Bunker, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Durgin, Erickson, Evans, Fortier, M.; Foster, Gauthier, Gilbert, Good, Goodwin, Hall, Hanson, Hardy, Hawken, Henley, Jutras, Kelleher, Kelley, K. F.; Kelley,

R. P.; LePage, Lewin, Lewis, Lincoln, Marstaller, McKinnon, McNally, Meisner, Millett, Mosher, Payson, Porter, Pratt, Rand, Richardson, G. A.; Ross, Scott, C. F.; Stillings, Thompson, Trask, Tynedale, Wight, Wood.

ABSENT — Brennan, Chandler, Dennett, Eustis, Fortier, A. J.; Jameson, Keyte, Ouellette, Rocheleau, Santoro, Sheltra, Starbird, Waxman.

Yes, 86; No, 51; Absent, 13.

The SPEAKER: Eighty-six having voted in the affirmative, and fifty-one having voted in the negative, the motion to indefinitely postpone does prevail.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Order Out of Order

Mr. Binnette of Old Town presented the following Order and moved its passage:

WHEREAS, the Members of the House of Representatives have learned of the death of Esther Pearl Keyte, wife of the Honorable Harold J. Keyte of Dexter; and

WHEREAS, the departure of a person so dear saddens the hearts of our membership with tender moments of silent prayer; now, therefore, be it

ORDERED, that the Members of the House of Representatives of the 104th Maine Legislature, now assembled in Special Session, extend our deepest sympathy to our friend and colleague and our understanding to others who share in the loss; and be it further

ORDERED, that a copy of this order, duly authenticated by the Speaker of the House, be immediately transmitted to Harold in token of our sympathy.

The Order received passage.

The following items appearing on Supplement No. 7 were taken up out of order.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Promote Governmental Reorganiza-

tion and Efficiency" (S. P. 641) (L. D. 1812) reporting that the House recede from its action whereby the Bill was passed to be engrossed as amended by House Amendments "A" and "B"; recede from its action whereby House Amendments "A" and "B" were adopted and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House.

(Signed)

RIDEOUT of Manchester
DENNETT of Kittery
ROSS of Bath

— Committee on part of House.
TANOUS of Penobscot
BARNES of Aroostook
CONLEY of Cumberland
— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House voted to recede from its action whereby the Bill was passed to be engrossed and from its action whereby House Amendments "A" and "B" were adopted. House Amendments "A" and "B" were indefinitely postponed.

Conference Committee Amendment "A" (H-705) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith.

Enactor Amended

An Act Making Supplemental Appropriations and Deductions for the Fiscal Years Ending June 30, 1970 and June 30, 1971 (S. P. 658) (L. D. 1842)

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

On motion of Mr. Bragdon of Perham, the House reconsidered its action of yesterday whereby the Bill was passed to be engrossed.

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

House Amendment "B" (H-706) was read by the Clerk and adopted and the Bill was passed to be

engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, the concept of enacting a uniform fiscal year for cities, towns, counties and school units is deserving of an in-depth study prior to further action by the Maine Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee conduct a study of the advantage and disadvantage of developing and implementing a uniform municipal fiscal year; and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations to the next regular session of the Legislature. (H. P. 1472)

The Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The following papers from the Senate appearing on Supplement No. 8 were taken up out of order.

Non-Concurrent Matter

Bill "An Act to Appropriate Funds for School Subsidies" (H. P. 1453) (L. D. 1831) which was passed to be engrossed as amended by House Amendment "A" in the House on February 5. (H. "A" H-700)

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: Much as I regret doing this, I am going to move that we recede and concur.

The SPEAKER: The gentleman from Stonington, Mr. Richardson, moves that the House recede and concur.

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

Mr. RIDEOUT: If I understand the motion, this would put us into Column 4 on the gig sheet that we have been working with. Now if I am not also in error I think that the action that we took referred to Column 1 on the print-out. I feel that if this is the action that we took that we should stick with it, and I would ask you to vote against the motion to recede and concur so that I could make a motion to insist and we could get into a Committee of Conference and work this out as to the best place it should be.

So I would ask you to vote against the motion to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This is certainly indeed one of the very rare occasions when I would take mild issue with the good gentleman from Manchester, Mr. Rideout. Number one, we have no money. Number two, if we do not recede and concur we are plunging ourselves in the area that would take us days to disentangle.

Now I think that the perfect area that we are finally going to arrive at is to divide everything proportionately, and that is exactly as it should be, and I certainly hope that the motion to recede and concur will prevail.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I don't see what the amount of money we have has to do with it. As I understand it, Column 1 has nothing to do with appropriating additional funds. I don't like to disagree with Mr. Jalbert, but it seems though we have quite a few Robinhoods in reverse — we're taking away from the poor and giving to the rich, and that is exactly what number 4 does.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to disagree with the gentleman from Lubec, Mr. Donaghy. The five towns that are represented in District 58 had a valuation

in 1968 of \$5,500,000. Under line 1 we would lose approximately \$30,000. The richest town in my district has a valuation of \$6,500,000; in line 1 they would get an increase of approximately \$1,000. This logic, with this thought I can see no logic behind it.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not up on education so I am not going to talk about it very much, but I don't blame the gentleman from Lewiston, Mr. Jalbert, in going along with recede and concur, because it makes \$37,000 difference in his favor in Lewiston. But when you step over to some of the smaller districts like my own, and I am not even going to argue about it, I lose \$14,000. We have already had our meeting and now I am wondering how we can raise the \$14,000 to go along with it. And this is the one we lose the most money in and as I believe the gentleman from Manchester, Mr. Rideout stated, that it doesn't take any more money in one than it does in the other.

I hope that you will go along with the motion to insist if we can defeat the recede and concur, so that we can have a Committee of Conference and maybe take one of these other groups.

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

Mr. JALBERT: Mr. Speaker and Members of the House: At the regular session I did not hear the good gentleman from Bridgewater, Mr. Finemore, say, well I feel sorry for the poor gentleman from Lewiston on 5A because I make money to 5A and he stays even. There was no hue and cry then.

Now the so-called rich communities, which we are not in our area, for years have given up and given up and I have been one of those that has been criticized because I have done so because I am interested in education and I wanted more to be given to the smaller communities. And we gave up in my community hundreds of thousands of dollars; not \$37,000,

hundreds of thousands of dollars, and we gave it to the Bridgewater willingly. And sometimes there might be a point of no return.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Very briefly I didn't care to start an argument going in the House, but any time Mr. Jalbert would like to have me check figures I am perfectly willing to check them because I have already checked them. I do not find that he has ever given the Town of Bridgewater anything or Aroostook County anything; and I will stand on these grounds but not debate them in the House.

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

Mr. RIDEOUT: Mr. Speaker and Members of the House: I am sure that we could stand here probably all night and debate whose giving what to whom, but I think that the other body is giving it to us. We took a vote in the House, by majority vote, and decided on as I understand it Column 1.

Now Mr. Millett in his debate I think gave a very lucid analysis of the situation concerning the five columns. I do not question the fact that perhaps from a strictly philosophic point of view that Column 4 perhaps is the right way insofar as the school subsidy formula is concerned, based on the new valuations. But I submit that the dirty deuce in the new deck is the state valuation. To mitigate the impact on the small communities particularly in the lake areas and particularly on the shore areas that Column 5 would be a more equitable compromise, and for that reason I would like to have us defeat the motion to recede and concur, insist, go into a Committee of Conference and perhaps come up with a compromise based on the 91% proration on the higher valuation, either 1969 or 1970, and therefore I would reiterate I would hope that you would defeat the motion to recede and concur so that we can insist.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: My remarks are going to be aimed directly at the good gentleman from Bridgewater, Mr. Finemore. I have been here since 1945 and in that some will start their remarks by saying that I am not a gambling man, let us say that I am. Now if the good gentleman from Bridgewater, Mr. Finemore, would like to spend one week with me — and it will take us at least one week. I have the time, I am sure that in these days he will have the time. And we will compare notes in dollars, based on each thousand dollars, of the words that I have stated concerning money bills in Aroostook County in twenty-five years, and I guarantee him, I will send him back home in an empty potato barrel, and it might be his.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, Ladies and Gentlemen: I am glad to go on record to recede and concur, because you check this number 1 and School District No. 24 which is my town, we lose \$143,000 if we accept line 1. And by accepting line 4 we are losing only \$19,000. \$143,000, Van Buren cannot accept that; we can't afford it. But \$19,000 we might. Thank you.

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

Mr. RICHARDSON: Mr. Speaker, in case anyone is interested I would like to return to what I think the merits of the bill are. If you adopt the Senate action by receding and concurring, as I understand it—and I would confess to you that I am virtually positive that I don't, that you will go to Column 4, and Column 4 which involves proration by the department will require us to in some instances—and I want to be corrected if I am wrong, in some instances to violate the pledge that we made that the impact would have a 90% floor under it. In other words, some of these dis-

tricts and individual schools are going to lose more than this 90% floor that we have placed under them.

Now this is the reason why I have supported all along a proration. I went along with Column 1; that is unacceptable apparently. Now I think that we should send it to a Committee of Conference in an effort to try to minimize the impact on an equitable basis. I like Column 5 and always have. But I don't think that we ought to take this action of receding and concurring without recognizing the fact that when we do that we are going to in effect be violating our word with respect to the floor on the amount of loss that an individual community would sustain.

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

Mr. SOULAS: Mr. Speaker and Members of the House: I want to go on record as supporting the gentleman from Stonington, Mr. Richardson, and I also want to read the total amount of money involved coming to Bangor. It is \$480,152.93. I do this for the record, so that Bangor will know how much money they might get.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I seem to represent five towns that would get less than 90% on this, and frankly I much prefer Column 1, but I would be ready to compromise on something that we would at least get what we were promised, a minimum of 90%.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Members of the House: Just a word. The gentleman from Cumberland, Mr. Richardson, is correct in that if we accept Column 4 we would violate what our understanding was at the last Legislature. And I hope that the House will not vote to recede and concur with the Senate so that we can have a Committee of Conference and work this out.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I got involved in school subsidy during the last regular session and maybe I got involved in it over my head. But as I recall the story, the ninety percent floor was primarily introduced and made a part of the bill so that we would not hurt those communities whose valuation had changed so greatly from '66 to '68. I don't think that this floor was to be a part of our school subsidy for the years to come.

If—and apparently this is the story, we don't have enough money to fund like we said we were going to fund at the 1970 rate, then really I see no reason why all communities in the state should not be prorated, and this is exactly what would happen under Column number 4. I don't dispute the fact that SAD 27 would be better off under Column 4 than Column 1. We will lose money, some twenty some odd thousand dollars, over what we were told we would get under the '70 rate, but this is also true of many of the other communities in Aroostook County.

Probably the gentleman from Bridgewater's community is one of the exceptions. But I know for example that SAD 1 in Presque Isle, the SAD 33, the SAD 24, the SAD 27, the SAD 10, all within Aroostook County, are better off under fourth column when everyone is prorated on the amount of money that we have, and if we want to raise the million dollars I would be more than happy to go along if someone can find the money. But if we can't, then everyone should share the loss.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: It seems to me that it might be wise to point out that Column 3, we live up to our word of not letting any town take less than 90% of what they had the year before. What we are really doing in that column which might come out from a Committee of Conference,

is just asking those who have stood to gain so much by the subsidy that we passed in the last regular session, asking them not to take quite so much the first bite. And it is just making it a little easier and the poor ones won't get it in the teeth quite so much where they have had their valuation go up and their subsidy go down, and those who get it will just get it one six-month period later.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I hope we reject the motion of the gentleman from Stonington, Mr. Richardson, in order that we may attempt to have another Committee of Conference and salvage something out of the wreckage.

The SPEAKER: All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

49 voted in the affirmative and 75 voted in the negative.

Thereupon, Mr. Levesque of Madawaska requested a roll call vote.

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 Stonington, Mr. Richardson, that the House recede and concur. If you are in favor you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Bedard, Bernier, Boudreau, Bourgoin, Brennan, Carey, Carrier, Carter, Cote, Cottrell, Croteau, Curran, Danton, Drigotas, Dyar, Farnham, Feceau, Fortier, M.; Fraser, Gilbert, Giroux, Goodwin, Harriman, Heselton, Jalbert, Kelleher, Kilroy, Laberge, Lawry, Lebel, Leibowitz, Levesque, Lewin, Marquis, Mars-

taller, Martin, McKinnon, McNally, McTeague, Millett, Mitchell, Morehead, Morgan, Nadeau, Norris, Ricker, Ross, Soulas, Tyndale, Vincent, Wheeler, Wight.

NAY — Barnes, Binnette, Birt, Bragdon, Brown, Buckley, Bunker, Burnham, Casey, Chick, Clark, C. H.; Clark, H. G.; Corson, Cox, Crommett, Crosby, Cummings, Curtis, Cushing, Dam, Dennett, Donaghy, Dudley, Durgin, Erickson, Evans, Faucher, Finemore, Gauthier, Good, Hall, Hardy, Haskell, Hawkens, Henley, Hewes, Hichens, Immonen, Johnston, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, LePage, Lincoln, Lund, MacPhail, Meisner, Mills, Mosher, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Starbird, Stillings, Susi, Temple, Thompson, Trask, White, Wood.

ABSENT — Benson, Berman, Chandler, Coffey, Couture, D'Alfonso, Emery, Eustis, Fortier, A. J.; Foster, Hanson, Huber, Hunter, Jameson, Keyte, Lewis, Ouellette, Richardson, G. A.; Rocheleau, Santoro, Sheltra, Tanguay, Waxman, Williams.

Yes, 54; No, 72; Absent, 24.

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

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

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

The SPEAKER: The gentleman from Manchester, Mr. Rideout, moves the House insist on its former action and request a Committee of Conference.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: Whereas we are in such substantial differences with the upper body, I am questioning in my own mind whether a Committee of Conference can equitably work out a solution. There are many avenues which we could explore and we have heard all possibilities suggested here at this time, either

Column 3, Column 4, or Column 5. As a compromise, and realizing the mood in this body this morning, I consider a further compromise, and I think it would produce a much more equitable solution which might be acceptable to both bodies.

I have an amendment drawn. I have hesitated about even producing it, mainly because it carries a small appropriation. I do feel that it has merit and I am willing to share it with you at this time. If you feel that it is worth considering, it would simply be a three-month implementation of the new law during the first six months of the first half year of the biennium. In other words, the old law would contain for the first three months, the new law would begin April 1st.

In this way, those who seem to have a problem with their conscience of whether or not we should be on the new formula or on the old formula, would see it implemented half way through the period. I don't attempt to use that as a contributing factor to your own decision on whether or not you choose to insist. But it raises a question and a serious doubt in my mind as to whether or not the Committee of Conference can do any justice whatsoever to the predicament we are in at this time.

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

Mr. HEWES: Mr. Speaker, I have a question for anybody in the House that may answer. Can a Committee of Conference come out with a new amendment, or are they bound by amendments and bills that are previously here? In other words, can the Committee of Conference come up with a proposal that the gentleman, Mr. Millett, just proposed, or are they bound by something here?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Sorry that I was not in the House, present, when the debate on this issue came in, be-

cause certainly I am in agreement with the gentleman from Stonington, Mr. Richardson, that to have receded and concurred would have shortened the session quite possibly. The reason why I say that, it is relatively impossible that the other branch would vote 20 to 9 against the motion that we had before us to adopt the old formula. That branch will never go back to the old formula, so therefore, to send this back to the other branch in non-concurrence by us insisting and asking for a Committee of Conference, you could add anything that you wanted to this measure at this time in a Committee of Conference, but I don't think you could ever patch up the split between the two branches in trying to accomplish something between the old formula and the new one. I think the best action that this House could have taken at this time of the special session would have been to recede and concur with the other branch, and leave the monies presently available for school subsidies prorated equally to all school units under the present law. There would be no need for any additional laws. So therefore the Committee of Conference that is going to sit in on this might very well be able to come up in agreement. But I don't think they will come up into an agreement that will revert back to the old formula.

The SPEAKER: The Chair will order a vote. All in favor of insisting and asking for a Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative, and 43 having voted in the negative, the motion to insist and ask for a Committee of Conference prevailed.

On the part of the House, the Speaker appointed the following Conferees:

Messrs. RIDEOUT of Manchester
BRAGDON of Perham
MILLETT of Dixmont

Non-Concurrent Matter

Majority Report of the Committee on Taxation on Bill, "An Act Increasing State Tax in Unorganized Territory, Relieving Elderly

Persons from Property Tax and to Study the Assessment of Taxes in Unorganized Territory" (H. P. 1406) (L. D. 1762) reporting same in a new draft (H. P. 1448) (L. D. 1824) under title of "An Act Increasing State Tax in Unorganized Territory" and that it "Ought to pass" and Minority Report reporting "Ought not to pass" on which the House accepted the Majority Report and passed the Bill to be engrossed as amended by House Amendment "A" (H-681) on February 2.

Came from the Senate with the Minority Report accepted in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House recede and concur. The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: We recognize that whenever we take on the forces that are involved in the question of taxation of unorganized territory, the most we can hope to come out of it with is a C- for effort. In the 103rd there was a bill that was presented to the session by the Bureau of Taxation, and it was only at the hearing, and I say this shamefacedly, that we learned that this bill would have made these same companies subject to the sales tax.

Now when the sales tax went in the books it was intended that all people, all interests in Maine, would be subject evenhandedly to the sales tax. But it took these smart operators just a few months to figure out the legal and technical gimmickry that would make it possible for them to pay the sales tax only when they chose to pay the sales tax. They do things only at their own whim and discretion.

As I remember it we reported it out unanimous in here. I think the first vote was 113 to 20 in favor of this so obvious bill going through. The next time it was 122 something in favor of it. And this

bill died a quiet death, so the same situation prevails here in the State of Maine. These people pay their sales tax when they want to pay their sales tax.

This time we have a wildlands tax bill which in my opinion is an eminently reasonable bill, and again it is the same thing. I believe that there has been a very moderate approach in the case of both of these bills and many more before them that I wasn't present at. Through the years many of these same companies have been extremely niggardly in their payments to wood producers, and woods help here in Maine. Appeals from these people for minimum increases have always fallen on deaf ears.

Recently I was interested to read in one of our newspapers that one of these companies has been directed to recognize the Teamsters Union as a bargaining agent for its woods workers. We can only surmise at this point what the increases will be under this arrangement. But I think it would be reasonable to assume right now that these increases are going to be far different from what they would have been if they had dealt with the people here in Maine who generally have taken a reasonable stance on these matters.

I am sorry that those who are involved in the ownership of these lands will only recognize raw power in this present situation in which they obviously have the great advantage. They have proven it throughout the history of the state, that they have been able to control affairs affecting them. But I can only conclude from this situation that when the balance of power shifts and the people get to control this, that the results can be as unreasonable as they are apt to be on rates in the woods. Because during this long period when this completely unfair situation has existed, and the raw power of these owners has prevailed, there has been built up in my opinion around the state so much feeling against these people that when the power does shift, I think that we are apt to have just as unreasonable a situation in the other direction, to the detriment of these people which

do make up a large portion of our economy.

I am sorry it is this way. I am sorry that they insist always to flex their muscles and show who is boss here in Maine. And that they are going to come only when they are beaten to their knees. I say this sincerely.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker, I would like to pose a question through the Chair to anyone who could answer. And I have no animosity towards the veterans or elderly people. But if we pass this law as it reads now, and have the existing law with the veteran's exemption, would the veteran be entitled to a \$3,500 exemption or a \$7,000 exemption?

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

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Not in any attempt to try to answer the question of Mr. Dyar, but I would assume that if he is old enough he might be able to collect as much.

To further the agony that we might be faced with, I add Amen to the statement made by the gentleman from Pittsfield, Mr. Susi. And when the vote is taken, I request that it be taken by the yeas and nays.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Most of you know that I represent an area in northern Maine which is surrounded by land owned by large paper companies. And many people tell me that I represent more trees than people. And indeed this may be true, if trees can be represented. But I would like you for a moment to take a look at the state map sometime, to take a look at the area above the St. John River and the

Allagash and the upper portions of the state.

I would like to relate to you a little story which bothers me, and it goes like this. The people of my constituency of St. Francis, Allagash, and St. John reside in an area that depends entirely upon wood. For the past three years we have been trying, negotiating, pleading, crying for stumpage from the paper companies, not only of Maine, but of other nations, and in particular Canada. There is an area of land, and I am going to have to guess because I don't have the figures, of about twenty townships owned in whole or in part by K. C. Irving Company of St. John, New Brunswick.

We went to him and we pleaded with him to give us stumpage. We asked that we be given a chance to operate a mill with wood cut from his land. This was last year, and the year before. Once we met in the governor's office last year with him. We got nowhere. I have received no answers from my letters. But a couple of weeks ago we found that right across the border in northern Maine, at the very tip of the State of Maine, a mill is being built by K. C. Irving and Company of St. John, New Brunswick. And where do you think that wood is going to come from? From the State of Maine. And who do you think is going to cut that wood? Canadians. And who do you think is going to haul that wood? Canadians. The State of Maine will get 15 cents an acre of taxes a year, nothing else. It will contribute absolutely nothing to the economy of this state.

Actually it will be a total detriment, because as you well know, this wood will be taken to Canada and cut, and it will come back to compete against the wood cut in northern Maine with American labor. That is a real serious problem. And how you are going to resolve it, I don't know. But it would seem to me at sometime that people and companies like these must somehow be made to pay their fair share for their investment that they have within the State of Maine.

I am not asking for a solution. I am offering you the problem. And in a couple of years I hope that we can solve it. While the people of Allagash, St. Francis and St. John move to Connecticut.

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

Mr. DONAGHY: Mr. Speaker. I would like to ask through the Chair, who abrogated the immigration laws of the United States that allows Canadians to come in here and cut lumber when Americans are willing to cut it? Who allows them to come in here and truck logs when Americans are willing to haul them? And at our prices, under our wage and hour laws? We are supposed to have some representatives in Congress.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I was very much interested in what Representative Martin had to say, as I have considerable of this in my own territory. There is an area here in Washington County by Baskahegan Lake that is a large, large forested area. There hasn't been a stick cut on this in 30 years. It is owned entirely by people in a foreign country. The only way you can make a contact with these people is through a New York lawyer.

The reason I am citing this is the Baskahegan Lake is one of the best bass lakes in the State of Maine. The army had a small area there for a reserve camp and a rest area. But since they abandoned it there is no way you can get to any part of this roadway which is under state aid, going in there and to use this land. If any of you people are interested in the rest of the area that proceeds up through there, I am sorry I can't produce a map that I have at home that gives the forested areas of the State of Maine that are owned by these companies. But the company that he has cited, the Irving Company from St. John, and all its ramifications, owns three fourths of New Brunswick on the wood.

Now you may find this in your own areas, those of you who have a mill in your town cutting or making any wood, pulp products, that there is an agreement between our papers companies and the government of New Brunswick, which boils right down to Irving Oil — that in order to get the wood pulp out of New Brunswick, Georgia Pacific is under contract and maintains this contract of 35 percent Canadian labor. They also buy their oil from Irving Oil, and it is trucked across at St. Stephen. They are pounding down our road between Calais and Woodland daily with one big truck an hour, which is taking the corners right off the edge of the road. Part of this is a newly built road which is being demolished by the weight of these big trucks. These people have been riding scott free throughout the State of Maine for a long period of time, and I agree wholeheartedly with Mr. Martin's remarks.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to inquire from the gentleman from Eagle Lake, through the Chair, if there is any duty on the lumber transported to New Brunswick with this bill, or will be.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Ever since I have been a Representative serving that area I have tried, I have pleaded with federal officials, now, today, or last week, and four years ago, that something had to be done. If the product goes in its raw form to Canada there is no tax whatsoever. Nor is there any tax when boards come back to the State of Maine from Canada.

The reason why we are in this predicament is very simple. In

the western part of our country it is to some degree the reverse, and that is why no one wants it changed and that is why we are not able to get those changes.

In reference to the remarks made by the gentleman from Lubec, there are federal laws and minimum wage laws, but a very interesting quirk in the law provides that if the trucker resides in Canada and lives and sleeps across the border in Canada, United States Wage and Hour Laws do not apply provided he goes home every night. This is exactly what is going on. It has been going on for years on the border around St. Pamphile across from Ashland in western Aroostook County. And if you don't believe me, a year ago I went through the road from Ashland to St. Pamphile at five o'clock in the morning, I met one hundred and forty Canadian trucks with Canadian drivers.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to point out that this bill as is now reported out is completely divorced from the property tax relief for the elderly, so that is not what I am speaking on. I would like to pose a question through the Chair to anyone who might be able to answer. Does anyone know what happened to Senate Amendment "A" under filing number S-446? Was it ever introduced, and if so, was it defeated, and would it have provided protection for the small landowners?

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

The pending question is the motion to recede and concur.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: In regards to wildland tax, I am completely in agreement with Mr. Martin. A curious thing I have

noted each morning as I started to work, on the road coming in from Macwahoc, I generally meet on the average of maybe four, or five, or six truck loads of pulpwood, where they come from and where they go I don't know because it has only been in the last few weeks that I have noticed them with New Brunswick plates on them. And this wood is undoubtedly coming from somewhere in the State of Maine; where it is going and who is getting the profit, I don't know.

Another thing, the companies that own land in our wild townships do not want us to up their tax because of course they have such high taxes, such high evaluation.

I live in an unorganized township in the State of Maine, and of course this is going to raise my taxes to some degree I suppose. I suppose therefore I should be opposing it on personal grounds. However, I have a lot of land, it is 200 feet long, 80 foot frontage, a small bungalow on it, some of you have seen it. It isn't much, and apparently the state doesn't think it is worth much. They evaluate it at \$250. So I dare say that with that and the sixty-seven acres of land that my mother and I own together, and incidentally has a gravel pit on it which is worth something I suppose when you are building roads, and they evaluate that at \$250. A little pulpwood on it too.

So generally there is enough money derived from those wild lands to pay the taxes and somewhat more. So if I pay so little on my little, apparently they are not paying too much on their vast amounts because the mill rate is obviously the same for all wildland and though the valuation might be more, I think if you would go to the Bureau of Taxation and get the little booklet, the 1968 valuations in the State of Maine Unorganized Territory, it would prove a very interesting little book. You can get one. I think, if they have any copies left. I have had mine for quite some time. I usually pick one up. They will be around again this year, I suppose, to revalue

and I dare say our valuation will go up some. But if it doesn't go up any more than it has in the last twenty years or so, it won't hurt me too much. I would hope that you would go along and raise our mill rate.

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

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I am just interested in getting this bill into a condition so it will be clear whether you are for increasing the wildlands tax or not.

I agree with the remarks of the gentleman from Pittsfield, Mr. Susi. I think he said it very well about the greed of the land barons. However, I do disagree with his motion to recede and concur. I feel that if you are for increasing the wildlands tax that you should vote against that motion so that I can make a motion later on to insist and ask for a Committee of Conference. So I would urge every member who is for increasing the wildlands tax to vote against the motion of Mr. Susi.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: This is neither pro nor con on the subject because this wildlands tax has always been a very complicated one during the last several sessions that I have been up here. But I would like to call to your attention some research that I did. It will only take a minute to tell you.

On the amount of wildlands taxes being paid by the various companies: Central Maine Power, \$225,125; Great Northern Paper Company, \$717,975; International Paper Company, \$253,917; Scott Paper, \$125,903; St. Regis, \$106,596; Seven Islands which consists of a number of owners, \$248,461, for a total of \$1,654,977. Now I don't know what the total millions of acres are involved in this, but I would assume in making a rough guess, that it would involve quite a few million acres, and probably one of the other gentlemen could answer that question for you, it

would be nearer ten million or somewhere around there.

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

Mr. FINEMORE: Mr. Speaker, Members of the House: I will apologize. I have thrown away the big speech; I will make it brief. I do not own any wildland now, having sold it six or seven years ago. I am not on the payroll of any pulp company at this time, having retired. But I would like to straighten out a few statements that have been made. The gentleman from Eagle Lake, Mr. Martin, stated that tax on each acre of wildland is fifteen cents. I don't know where he got his information, I am not disputing him in any way, but at the present time the average tax per acre of land in the State of Maine wildland is forty-two cents and a half, or thirty-four mills plus, including every unorganized town in the State of Maine.

I might further add, the way they reach this, the state values each acre of land \$25, they divide that by two and reach the tax valuation of \$12.50 per acre. Even at fifteen mills it is 18¾ cents per acre. This tax alone would raise one paper company in the State of Maine \$125,000 tax, which I think is a little too much to put on them after putting on a 4 percent corporation tax last year. And in figuring this 4 percent corporation tax, it would amuse you to know that anyone—maybe there are some members here that own some paper company stock; if so, before giving them their dividends, took on a tax last year of 4 percent through the corporation tax, then it took on a 4 percent after they received the dividend, State of Maine tax, now they are adding on another ten mills onto the wildland tax.

I might mention this same company I told you it was going to cost them \$125,000 under this ten mill raise. This same company has lowered its inventory through the agreement of its purchasers and its cutters so that they can build on a new piece to employ more laborers without borrowing money, which they couldn't borrow

under this situation, with the interest rate so high.

And I might add here—I would explain about the Canadian trucks so there won't be any misunderstanding. We have a Reciprocity Act with New Brunswick. It is our own fault it is on the books—it is not Canada's, it is not ours. Our trucks go in there and haul out, we can load in Canada but we cannot unload in Canada the same load. So we can go into Canada and load and haul out into the United States under our laws. They can load in Canada and bring it into the United States and unload under their laws. But in no way can they load and unload both here of any Canadian truck, it is impossible.

I might further add that I go along with Mr. Martin. I know that this will be Canadian labor, but ninety percent of our pulpwood cut, regardless of where it is cut in the State of Maine today, is cut by Canadian labor. There is no question on that. It can be checked up at the Maine Security Commission. It is all bonded labor. This labor coming in across here—I will agree with him, I would hate to see it done, but it is all bonded labor that is coming in here to cut that. They are all under our wage and hour laws. They all pay an income tax here. They all pay social security here, that is the jobbers pay unemployment here just the same as our own do.

And I hope you do not pass this. I am not going to speak any more on it. I hope you will go along with recede and concur. I do think it is very unfair at this time. We have had pulp companies in Maine in these last two years that have failed out like the Eastern, and right now we have one of our biggest ones that laid off forty percent of their workers, and I do believe that if it wasn't for these companies diversifying and going into plywood and different items like that they would have more pulp and paper companies failing because the pulp operators can operate much cheaper in the south than we can here, even in the west than we can here.

So I hope you will go along with the motion to recede and concur.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Just one minute. I have been a member of the Taxation Committee for a number of sessions and I voted with the majority that the wildland tax should be increased. I didn't know how much. The bill called for ten mills. I voted for an increase because all property taxes, land, wildland, tame land, all kinds of land, the value has gone up, and it seems to me reasonable, rational, that the tax on this property should have gone up. The mill rate has not been increased since 1965. It went from eleven to fifteen at that time. And I am very glad to report that I think an order is coming through for a study of this very intricate matter.

I wouldn't be able to say, on my own knowledge, even though I have been exposed to this proposition for quite a few years. I wouldn't be able to say how much the tax should be raised. I know that it should, and there is great reason to think that the tax should be raised. And I hope that if this order comes through for a study of this intricate matter that you will support that order. It was supposed to have been on the floor along with the elderly bill and this wildland tax. But I am waiting to see it come out. I hope you would support it.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In order to avoid the possible confusion in your voting, the members of the other branch have defeated this particular measure this afternoon by a margin of two votes. So that if you want to recede and concur in killing the bill, then you will recede, you will vote yes on receding and concurring. If you want to keep the bill alive then you will vote no on the motion to recede and concur.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am not a ready expert on anything. But I am afraid that some clarification on the taxation of these unorganized townships must be brought out by someone other than on the Taxation Committee.

Taxes on unorganized townships are one thing. Valuations are another. I agree with Mr. Cottrell that the valuations have gone up, but that has nothing to do with tax rates. He should know this. As far as the differences on these unorganized townships, some of them are as high as \$90 a thousand.

Now this is all right when you talk about just your trees. But we are talking about roads, we are talking about fire patrols, we are talking about educating children and these things. People have tried to assure me two or three times that the small towns, unorganized townships that I represent will not be hurt by this. But I have yet to see anything in the bill that forgives any taxes to the people that live in unorganized townships. They have to pay it as well as anyone else. And it is on the basis of valuation where you are just raising your tax rates. The values have been put up by the State Tax Department. You are just multiplying your problem when you increase your tax rates.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I can be confused about this, but I do not think I am. In answer to the gentleman from Lubec, I would say this, that 60 percent of the townships because of the formula that is in this wildlands tax bill at the moment, they would not be affected at all, and their taxes would not be increased. But I don't know the story on this. I would like to know more about it, really, as I will repeat again, I hope you support an order to study this whole situation.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: I

signed the majority report that we should increase the wildlands tax. There was some doubt in my mind as to whether or not I should sign it until I asked a question of one of the opponents of the tax. They were complaining about the tax on the land, and how much they had to pay for the State of Maine, how much it cost to haul pulp and so forth. And I asked a question. I said, "You represent several corporations who have land on which they get wood for these same purposes in other states in the United States, and could you tell us what your tax per acre is in these other states as compared to the State of Maine?" They said they were sorry, they had no such figures available. Well, I said, "Probably we could arrive at the same point if you would tell me the cost per ton of paper out of those other mills as compared to the State of Maine." "I am sorry, we have no such figures, we will get them for you." We never did get the figures. I concluded that the tax rate in the State of Maine was cheap enough as it was and it should go up.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is certainly late in the session to get into an argument as complicated as this one. And I felt when I came down here that we in this special session were not contemplating considering tax measures. I understood this from the recommendations of the chief executive, and also from the leadership of our House and Senate.

We did in the last regular session pass an income tax which affects all of these people. Just recently put in effect. I think it has been pointed out that this is a very complicated matter to arrive at a just amount of taxation on this wildland. It certainly varies greatly in value.

I know from personal experience that it takes a long time to grow merchantable timber on a lot of land. Some 50 years ago, when I was in partnership with my father, we purchased a thousand acres of burned-over land. We have paid the tax on this land in those 50 years which, if I dared

to go back and figure it, I am sure that I would wish that we had never bought it. This tax, of course, is in organized territory. But from the debate on the size of this tax that we are talking about in the unorganized territory, if the figure of 30 is nearer correct than the figure of 15 — and we have heard both — I think in using the figure of 15 we are not considering the taxes that counties levy. And I wonder whether we are nearer 30 on the total tax.

In figuring up the tax presently in the organized territory in which I live it runs a figure which was mentioned by about in the area as was mentioned by Representative Martin in debate on this matter of probably around 70, 60 or 70 mills. This on a hundred and sixty acre lot obviously gives us a tax of somewhere around \$125. So the tax that I am referring to on land that I have owned does not vary considerably from what we are talking about here.

In the 50 years we never have taken a dollar off from it, and I don't think that I will live long enough to ever realize a dollar on it. So that gives you some idea of the length of time that you have got to consider when you are talking about growing trees to a merchantable length. I think this is a very complicated area that we are in, and I think the most sensible thing that we can do in the dilemma which now faces us is to make a serious effort to study the whole thing in the next session of the Legislature, rather than to attempt to resolve it in the late hours of this special session. I hope you will go along with the motion of the gentleman from Pittsfield, Mr. Susi.

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 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 Pittsfield, Mr. Susi, that the House recede and

concur with the Senate on Bill "An Act Increasing State Tax in Unorganized Territory, Relieving Elderly Persons from Property Tax and to Study the Assessment of Taxes in Unorganized Territory," House Paper 1406, L. D. 1762. If you are in favor or receding and concurring with the Senate you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Allen, Baker, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Casey, Chick, Clark, C. H.; Clark, H. G.; Corson, Cox, Crosby, Cummings, Curran, Curtis, Cushing, Dennett, Donaghy, Dudley, Durgin, Dyar, Evans, Finemore, Fraser, Gilbert, Good, Hall, Hardy, Harriman, Haskell, Hawkens, Henley, Hichens, Johnston, Kelleher, Kelley, K. F.; Lee, Leibowitz, Lewin, Lincoln, MacPhail, McNally, Millett, Mills, Mosher, Norris, Page, Porter, Quimby, Richardson, G. A.; Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Susi, Thompson, White.

NAY — Barnes, Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Coffey, Cote, Cottrell, Crommett, Croteau, Dam, Danton, Drigotas, Erickson, Faucher, Fecteau, Fortier, M.; Gauthier, Giroux, Goodwin, Heselton, Hewes, Immonen, Jalbert, Jutras, Kelley, R. P.; Kilroy, Laberge, Lebel, LePage, Levesque, Lund, Marquis, Mastaller, Martin, McKinnon, McTeague, Mitchell, Morgan, Nadeau, Payson, Rand, Richardson, H. L.; Rideout, Santoro, Soulas, Starbird, Stillings, Temple, Trask, Tyndale, Vincent, Wheeler, Wight, Wood.

ABSENT — Berman, Chandler, Couture, D'Alfonso, Emery, Eustis, Farnham, Fortier, A. J.; Foster, Hanson, Huber, Hunter, Jameson, Keyte, Lawry, Lewis, Meisner, Moreshead, Noyes, Ouellette, Pratt, Ricker, Rocheleau, Sheltra, Tanquay, Waxman, Williams.

Yes, 62; No, 61; Absent, 27.

The **SPEAKER**: Sixty-two having voted in the affirmative and sixty-one having voted in the negative, the motion does prevail.

By unanimous consent, ordered sent forthwith.

The following matters appearing on Supplement No. 9 were taken up out of order.

Conference Committee Report

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

Bill "An Act relating to Jurisdiction of District Court in Divorce Actions" (H. P. 1337) (L. D. 1666) reporting that the House recede from its action whereby the Bill was passed to be engrossed; recede from its action whereby Committee Amendment "A" was adopted and indefinitely postpone same; a d o p t Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee A m e n d m e n t "A"; (CCA-703) that the Senate recede and concur with the House.

(Signed)

BERMAN of Houlton

BRENNAN of Portland

MORESHEAD of Augusta

— Committee on part of House.

VIOLETTE of Aroostook

HOLMAN of Franklin

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House voted to recede from its action whereby the Bill was passed to be engrossed and from its action whereby Committee Amendment "A" was adopted. Committee Amendment "A" was indefinitely postponed. Conference Committee Amendment "A" was read and adopted.

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify the Education Laws and Subsidy Payments" (H. P. 1309) (L. D. 1623) reporting that the Senate recede and concur with the House in passing the Bill to be enacted. (Signed)

RICHARDSON

of Stonington

MILLETT of Dixmont
CUMMINGS of Newport
—Committee on part of House
KATZ of Kennebec
KELLAM of Cumberland
—Committee on part of Senate.
Report was read and accepted
and sent up for concurrence.

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs, pursuant to Joint Order (S. P. 660), reporting a Bill (S. P. 663) (L. D. 1845) under title of "An Act Repealing the Interest on Unissued Bonds for Water Pollution Abatement" and that it "Ought to pass"

Came from the Senate with the Report accepted and the Bill passed to be engrossed as amended

by Senate Amendment "A". (S. "A" S-447)

In the House:

Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" was read and adopted in concurrence.

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

(Off Record Remarks)

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.