

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, February 26, 1971

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

Prayer by the Rev. Mr. Robert Gunn of Gardiner.

The journal of yesterday was read and approved.

Orders Out of Order

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

ORDERED, that Susan Rollins of Rumford be appointed to serve as Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Mrs. White of Guilford presented the following Order and moved its passage:

ORDERED, that Kim M. Pushor of Guilford be appointed to serve as Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

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

ORDERED, that Frank Drigotas III of Manchester be appointed to serve as Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Chairman of the Joint Standing Committee on Education be authorized to hire a staff for the Committee, the expense of which is not to exceed \$4,000 (for the regular legislative session of the 105th Legislature), the same to be paid from the payroll of the Joint Standing Committee on Education (S. P. 353)

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Gill of South Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-36) was read by the Clerk.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I would reluctantly like to speak very briefly to this order as it appears on our calendar this morning, mainly to give what I understand are the reasons for its appearance, and only indirectly comment on the amendment which has just been offered. It is my hope in doing so that maybe some good might come out of this particular controversy, if only in drawing attention to the crying need which our committees have for outside assistance.

It is my understanding, and I am only speaking from what I have been told, that authorization was sought early in the session in the other body from leadership to secure the services of a person to work with the Education Committee in a similar capacity as existed in the 104th. It is also my understanding that a salary was discussed, and I believe from what I have been told, agreed upon. The gentleman was hired, has been working for eight weeks, has not yet been paid.

When this situation came to our attention, an inquiry was made, and it was determined that proper channels had not been followed, and that a Joint Order would be necessary. Hence the origin of the order and the appearance on our calendar this morning.

I do not wish to get involved in the controversy surrounding why this order was necessary, or what precipitated its origin in the first place. I only indirectly want to comment on the amendment to the extent that I believe a moral commitment has been made with the individual in question at the \$4,000 rate. I am by nature inclined to compromise when a controversy arises. I would go along, I think, with the intent of the amendment this morning in that the order be approved at the \$3,000 rate provided that it was my firm understanding that if the individual in question were involved in research work that necessitated

going beyond the limits of the \$3,000, support might be available for extending it beyond that figure. The remainder of the amendment I believe is necessary in clearing up where the appropriation comes from.

I wish I didn't have to speak on this issue this morning. This is something that I had nothing whatsoever to do with. I would just hope, as I indicated earlier, that maybe something good might come of it, in the sense that maybe a standard procedure for determining authorization for these staff assistants might come out of this controversy, and in the future maybe more assistants might be made available to all the committees. I would not make a motion on the amendment. I would just like to make sure that everyone understands the situation as I know it surrounding the controversy. Thank you.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to thank the gentleman for his remarks, and I concur with him in an awful lot that he does say. But the purpose of this amendment — and I am not aware of any arrangements that were made, and if they were made that I was not involved in the arrangements.

I would simply like to say that this \$3,000 is the same salary this individual received at the last session of the legislature, and that an increase of 25 per cent in the salaries, if this is carried out throughout the entire legislative process, I do not see how we can permit a single individual to receive a 25 per cent increase.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I too have been interested in the area that is covered by this amendment and the order. And so far as possible I have checked out the circumstances surrounding the situation which this order involves itself with.

I will be repeating some of the information given to you by some of the previous speakers, but I have learned that this gentleman who does the research for this committee, a man by the name of Mr. Snow, did work for \$3,000 last year. He satisfied this committee with the quality of the work he did, and the committee felt the need for his services again this year. And from the start the man indicated that he needed \$4,000 to perform these services this year.

Given this information, representation from the committee went to leadership seeking authorization for the expenditure of \$4,000, the only figure ever mentioned for his services for this year. I am given to understand that this authorization was given, and that with this authorization the chairman of the committee contracted for the services of this man for the 105th Session. To reduce this amount at this time to me seems to be putting people in the very embarrassing situation which they don't at all deserve. I have no evidence but what these people attempted to work within the framework of our rules in the legislature, and I believe they should be supported inasmuch as they did the best they could, and with honor. Thank you.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I would just comment briefly that I have offered this amendment, my position remains the same, and I do not believe it is in the bargaining capacity of anyone in the leadership post to take away our prerogative on this matter.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I insisted that I would not get involved in the order, or debate it either way. But there are a number of points that ought to be made.

As the leader on the Democratic side of the aisle, at no time were

we consulted, either before or after. I was concerned, and I went to the Speaker's office yesterday afternoon to discuss this, because I do feel that all committees, including Education Committee, ought to have some people to do some work for us. Because this is the only way that we are going to get some work done in the long run.

I don't intend to take sides in this particular controversy in supporting the amendment, perhaps, but it ought to be pointed out that there ought to be a procedure that ought to be followed, and I do feel that we ought to be involved. If an agreement is reached, then I think we ought to be involved in it, and I do feel that once that agreement has been made, whether morally or otherwise, then an attempt should be made to stand up to it.

And so I would think that it would seem to me that if we can't correct this situation today that from this time on we won't get involved in another one of these hassles.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would concur wholeheartedly with the philosophy as brought forward by the gentleman from Eagle Lake, Mr. Martin. The procedure in past years was followed, rightfully so. And if you will look, other committees would hire clerks or people to work for them without any notification being made. And I think that that is a bad procedure.

And I am speaking now with some trepidation of my own, because I am speaking as a member of the Appropriations Committee. This is where these areas belong. Furthermore, areas such as these belong within the confines of the leadership of both parties. Certainly the Speaker, insofar as I am concerned, I was asked bluntly this morning how I stood on the order. I stand firmly behind the position as taken with me by the Speaker of the House. And I ask no favors from him, and I get no favors that I shouldn't have. But

when the second question was asked to me, as to why I stood behind that position, my answer was very simple. He is my friend, and I believe in him.

The SPEAKER: The Chair is going to take advantage of its position under the Rules of the House and read a letter into the record to substantiate the position of the Speaker during the 105th Session of the Maine Legislature.

"The Honorable Kenneth P. MacLeod
President Maine Senate
State House
Augusta, Maine

Dear Senator MacLeod:

You have asked this office for an opinion as to whether or not one House of the Legislature may pass its own order taking money from the appropriation made for legislative expenses.

Legislative Appropriations are made by Acts of the Legislature. Such Acts must be enacted by both branches of the Legislature. They must be then approved by the Governor. Any money available to the Legislature is made so by joint action of both Houses.

The Constitution, Article IV, Part First, Section 7, and Article IV, Part Second, Section 7, provide that each House shall choose its officers. It would seem proper that, lacking constitutional or statutory direction, the authority choosing its officers should fix their compensation.

Each House having chosen and set the salaries of its officers, the matter of paying such salaries arises. This problem has been solved, after some discussion, by the passage of a Joint Order, and rightly so we might state. The Legislative appropriation, having been created by action joined in by each House, should be drawn upon only by Joint action of each. No one House has a right to utilize legislative funds to the exclusion of the other.

Very truly yours,
James S. Erwin
Attorney General"

Thereupon, House Amendment "A" was adopted.

The Joint Order was passed as amended in non-concurrence and sent up for concurrence.

Bills from the Senate requiring reference were disposed of in concurrence, with the following exceptions:

Tabled and Assigned

From the Senate:

Bill "An Act to Authorize Bond Issue in the Amount of \$27,680,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 303) (L. D. 928)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House: On motion of Mr. Jalbert of Lewiston, tabled pending reference in concurrence and specially assigned for Wednesday, March 3.

From the Senate:

Bill "An Act Creating the Kennebec Sanitary Treatment District" (S. P. 309) (L. D. 953)

Came from the Senate referred to the Committee on Legal Affairs.

On motion of Mr. Williams of
In the House: On motion of Mr. Williams of Hodgdon, referred to the Committee on Public Utilities in non-concurrence and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Resolve Authorizing Ansel Green of Bangor to Bring Action Against the State of Maine (S. P. 54) (L. D. 91)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
QUINN of Penobscot
— of the Senate.
Mr. HEWES of Cape Elizabeth
Mrs. WHEELER of Portland
Messrs. HENLEY of Norway
PAGE of Fryeburg
KELLEY of Caribou
LUND of Augusta
Mrs. BAKER of Orrington
Mr. ORESTIS of Lewiston
Mrs. WHITE of Guilford
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Mr. HARDING of Aroostook
— of the Senate.
Mr. CARRIER of Westbrook
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. (On motion of Mr. Norris of Brewer, tabled pending acceptance of either Report and specially assigned for Wednesday, March 3.)

Non-Concurrent Matter Tabled and Assigned

Joint Order re Great Northern Paper Company and Scott Paper Company Log Drives (H. P. 795) which was passed in the House on February 23.

Came from the Senate passed as amended by Senate Amendment "A" (S-14) in non-concurrence, as follows:

"Amend said Joint Order by striking out in the 3rd line of the 6th paragraph the words "and hereby thank" and inserting in place thereof the words 'the efforts of'

In the House: On motion of Mr. Hancock of Casco, tabled pending further consideration and specially assigned for Wednesday, March 3.

Non-Concurrent Matter

Bill "An Act relating to Membership of the Advisory Committee for a Research and Advance Study Center at the University of Maine in Portland" (H. P. 385) (L. D. 500) which was passed to be engrossed in the House on February 23.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-17) in non-concurrence.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn on Tuesday, March 2, at 10 o'clock in the morning. (S. P. 354)

Came from the Senate read and passed.

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

Messages and Documents
THE SENATE OF MAINE
AUGUSTA, MAINE

February 25, 1971

Hon. Bertha W. Johnson
 Clerk of the House of Representatives
 105th Legislature
 Dear Madam Clerk:

The Senate today voted to join in a Committee of Conference on Joint Order re Publication of Telephone Numbers in Each Locality District of All State-Paid-For Telephones (H. P. 692) and the President appointed the following members of the Senate to the Committee:

Senators:

HOFFSES of Knox
 MOORE of Cumberland
 MINKOWSKY

of Androscoggin
 Respectfully,

(Signed)

HARRY N. STARBRANCH
 Harry N. Starbranch
 Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves
Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Revising the Provisions of the Maine Meat Inspection Act Relating to Custom Slaughtering Operations" (H. P. 868) (Presented by Mr. Mosher of Gorham)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial
Affairs

Bill "An Act Appropriating Funds for the Construction of a General Activities Building for Female Offenders on Property at Stevens School" (H. P. 869)

(Presented by Mr. Gill of South Portland)

Bill "An Act Appropriating Funds for a Fishway on Boyden Lake Stream in Perry" (H. P. 870) (Presented by Mr. Mills of Eastport)

Bill "An Act Adjusting State Employees' Pay" (H. P. 871) (Presented by Mr. Stillings of Berwick)

Resolve Providing for Purchase of One Hundred Copies of History of Albion (H. P. 872) (Presented by Mr. Lee of Albion)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Secondary Education in the Town of Rangeley" (H. P. 873) (Presented by Mr. Dyar of Strong)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to Be Voted on at Elections" (H. P. 874) (Presented by Mr. Carrier of Westbrook)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Election Laws.

(On motion of Mr. Martin of Eagle Lake, tabled pending reference and specially assigned for Tuesday, March 2.)

Election Laws

Bill "An Act to Improve the Protection of Certain Confidential Records" (H. P. 875) (Presented by Mr. Kelley of Caribou)

Bill "An Act to Provide the Registrar with a Copy of the Voting Checklist" (H. P. 876) (Presented by same gentleman)

Bill "An Act to Set the Rate for Voting Lists Based upon the Cost of Preparing the Lists" (H. P. 877) (Presented by same gentleman)

Bill "An Act Improving the Control of Absentee Ballots Issued" (H. P. 878) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Providing for Prescription of Generic Drugs Rather Than Brand Names" (H. P. 879) (Presented by Mr. Gill of South Portland)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Repealing Limitation on Number of Examinations for Admission to Practice Law" (H. P. 880) (Presented by Mr. Carrier of Westbrook)

Bill "An Act relating to the Housing Needs of People Who Pay Rent" (H. P. 881) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act Providing for the Prerental Inspection of Certain Property" (H. P. 882) (Presented by same gentleman)

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 883) (Presented by Mrs. Lincoln of Bethel)

Bill "An Act relating to Transcript in Hearings in Cases Where a Person is Acquitted of Murder by Reason of Mental Disease" (H. P. 884) (Presented by Mrs. Payson of Falmouth)

Bill "An Act relating to Appeals on Questions of Law in Criminal Cases" (H. P. 885) (Presented by same member)

Bill "An Act relating to Escape of Prisoners Following Removal from a State Institution or County Jail for Appearance in Court" (H. P. 885) (Presented by Mr. Simpson of Standish)

Bill "An Act relating to Jurisdiction of Municipal Police Officers in Fresh Pursuit" (H. P. 887) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act relating to Workmen's Compensation Pending a Review of Incapacity" (H. P. 888) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act relating to Late Filing of Answers to Petition for Award under Workmen's Compensation Law" (H. P. 889) (Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Create the Bangor Parking Authority" (H. P. 890) (Presented by Mr. Kelleher of Bangor)

Bill "An Act relating to Land Surveying by Nonresidents" (H. P. 891) (Presented by Mr. Mills of Eastport)

Resolve to Reimburse Ronald E. Bickford of Readfield for Property Damage by Highway Construction" (H. P. 892) (Presented by Mr. Ault of Wayne)

(Ordered Printed)
Sent up for concurrence.

Agriculture

Bill "An Act relating to Deposit of Animal Waste on Land or in Waters" (H. P. 893) (Presented by Mr. Cooney of Webster)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Judiciary.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: Because of a recent action of this House, I would suggest that Item 26 be presented to the Committee on Agriculture and printed.

Thereupon, referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

Natural Resources

Resolve Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County" (H. P. 894) (Presented by Mr. Dudley of Enfield)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act relating to Prerequisites of Insurance of Mortgages by Industrial Building Authority, Recreation Authority and Municipal Securities Approval Board" (H. P. 895) (Presented by Mr. Cooney of Webster)

Bill "An Act Authorizing the Transfer of Lands in Indian Township and Pleasant Point Reservations to the Passamaquoddy Tribe" (H. P. 896) (Presented by Mr. Mills of Eastport)

Bill "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development" (H. P. 897) (Presented by Mr. Simpson of Standish)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 898) (Presented by Mrs. Baker of Orrington)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Eliminate the Use of Motor Vehicle Dealer Registration Plates for Wrecker Service" (H. P. 899) (Presented by Mr. Lebel of Van Buren)

Bill "An Act relating to Use of Motor Vehicle Dealer Registration Plates" (H. P. 900) (Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Lee of Albion, it was

ORDERED, that Rev. John Wrigglesworth of Albion be invited to officiate as Chaplain of the House on Thursday, March 4, 1971.

House Reports of Committees Ought Not to Pass

Mr. Faucher from the Committee on Liquor Control reported "Ought not to pass" on Bill "An Act Providing for Purchase and Possession of Malt Liquor by Persons Eighteen Years of Age Not to be Consumed on the Premises" (H. P. 272) (L. D. 361)

Mr. Stillings from the Committee on State Government reported same on Bill "An Act relating to Qualifications and Term of Office of Commissioner of Inland Fisheries and Game" (H. P. 262) (L. D. 351)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Leave to Withdraw

Mr. Curtis from the Committee on Veterans and Retirement on Bill "An Act Changing the Formula for Retirement under the State Retirement System" (H. P. 548) (L. D. 720) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Referred to Committee on State Government

Mrs. Lincoln from the Committee on Veterans and Retirement on Bill "An Act Providing Longevity Provisions for State Employees" (H. P. 660) (L. D. 890) reported that it be referred to the Committee on State Government.

Report was read and accepted, the Bill referred to the Committee on State Government and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Lawry from the Committee on Education reported "Ought to pass" on Bill "An Act Providing for Termination of the Old Town Great Works School District" (H. P. 523) (L. D. 686)

Mr. Bunker from the Committee on Fisheries and Wildlife reported same on Bill "An Act Repealing Law Relating to Permits for Aircraft Pilots to Transport Fish and Game" (H. P. 526) (L. D. 688)

Mr. Bartlett from the Committee on Public Utilities reported same on Bill "An Act to Regulate Sewer Utilities" (H. P. 503) (L. D. 649)

Mr. Conley from same Committee reported same on Bill "An Act Increasing the Indebtedness of Veazie Sewer District" (H. P. 501) (L. D. 647)

Mr. Marsh from same Committee reported same on Bill "An Act Increasing the Number of Members on the Board of Trustees of the Bath Water District" (H. P. 539) (L. D. 712)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Divided Report

Majority Report of the Committee on County Government on Bill "An Act Creating County Commissioner Districts for Hancock County" (H. P. 330) (L. D. 439) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MARTIN of Piscataquis
 PEABODY of Aroostook
 —of the Senate
 Messrs. WIGHT of Presque Isle
 DYAR of Strong
 IMMONEN of West Paris
 BERNIER of Westbrook
 CHURCHILL of Orland
 MILLS of Eastport
 PONTBRIAND of Auburn
 KELLEY of Southport
 HAWKENS
 of Farmington
 —of the House

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

Report was signed by the following members:

Mr. DANTON of York
 —of the Senate
 Mr. KELLEHER of Bangor
 —of the House

Reports were read.

On motion of Mr. Wight of Presque Isle, the Majority "Ought to pass" Report was accepted.

Thereupon, the Bill was given its two several readings.

Committee Amendment "A" (H-34) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

**Divided Report
 Tabled and Assigned**

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Definition of Class A Restaurant Under Liquor Laws" (H. P. 302) (L. D. 402)

Report was signed by the following members:

Messrs. SHUTE of Franklin
 HOFFSES of Knox
 FORTIER of Oxford
 —of the Senate

Messrs. STILLINGS of Berwick
 BAILEY of Woolwich
 IMMONEN of West Paris
 MADDOX of Vinalhaven
 HAWKENS

of Farmington
 GAGNON of Scarborough
 SLANE of Portland
 LIZOTTE of Biddeford
 FAUCHER of Solon

—of the House

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. TANGUAY of Lewiston
 —of the House

Reports were read.

(On motion of Mr. Stillings of Berwick, tabled pending acceptance of either Report and specially assigned for Wednesday, March 3.)

Passed to Be Engrossed

Bill "An Act relating to Membership on Zoning Boards of Appeal" (H. P. 866) (L. D. 923)

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

Amended Bills

Bill "An Act relating to When Overtime Pay Commences for Employees" (S. P. 56) (L. D. 92)

Bill "An Act Creating the Maine Commercial Feed Law" (S. P. 79) (L. D. 173)

Bill "An Act relating to Extension of Time for Operation of Certain Wastewater Treatment Plants without a Certified Operator" (S. P. 144) (L. D. 383)

Bill "An Act Classifying Mousam River, Main Stem, West Branch" (H. P. 202) (L. D. 269)

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

**Passed to Be Enacted
 Emergency Measure**

An Act Appropriating Funds for World Cup Races at Sugarloaf in 1971 (H. P. 472) (L. D. 602)

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

**Finally Passed
Emergency Measure**

Resolve Permitting the County of Piscataquis to Expend Money for Public Ambulance Service (H. P. 729) (L. D. 817)

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 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Creating the Model White Cane Law for the Blind (S. P. 142) (L. D. 381)

An Act relating to Mailing Address of Grantees or Mortgagees on Deeds and Other Conveyances (H. P. 300) (L. D. 400)

An Act relating to Exemptions for Public Utilities to the Revised Boiler Law (H. P. 361) (L. D. 468)

An Act relating to Fee for Certificate to Cremate Bodies of Deceased Persons (H. P. 392) (L. D. 507)

Finally Passed

Resolve to Reimburse William Scott of East Machias for Loss of Bee Hives (H. P. 75) (L. D. 116)

Resolve in Favor of Ervin Bubier of Wilton for Damage by Bears (H. P. 155) (L. D. 210)

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

The following paper from the Senate was taken up out of order by unanimous consent:

**Ought to Pass
Passed to Be Engrossed**

Report of the Committee on Appropriations and Financial Affairs, acting in accordance with Joint Order (S. P. 340), reporting a Bill (S. P. 371) (L. D. 952) under title of "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971" and that it "Ought to pass."

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

In the House, the Report was read and accepted in concurrence and the Bill was read twice.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed and sent to the Senate.

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (9) Ought not to pass — Minority (3) Ought to pass—Committee on State Government on Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature (H. P. 206) (L. D. 272)

Tabled — February 24, by Mr. Donaghy of Lubec.

Pending—His motion to accept Majority Report.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: The Maine Legislature, like other State Legislatures, is a man-made creature. And like their creators, our Legislature and to be sure many of the others, has developed embodying the myopic insight and foresight of these creators. But must this continue? We're criticized by the press, by the academic elite, by secondary school students — and I've listened to hundreds of them in my decade of teaching — and last and more my concern today — my constituents. These former lethargic members of our society have finally awakened and demand reform. I maintain that what improvements we have today in State

Government developed because of citizen interest and efforts. They are demanding much more in the area of efficiency and good legislation.

Rep. Walter Birt has put together a piece of legislation that warrants your careful consideration. His bill, L. D. 272, would provide a convening of the Legislature for three days on the second Wednesday of December rather than the first Wednesday of January. This brief organization session would be similar to what is practiced in Florida where the legislators take office, committees are appointed and authorized to study, draft, and consider problems for the coming session. Procedures such as this would allow us to really get down to brass tacks on the first Wednesday of January instead of wandering aimlessly for the first few weeks.

This year many freshmen were not sure of their committee assignment until after we convened. A good legislator knowing he is destined for, say, the Committee on State Government can as a duly elected Representative meet with municipal officials, State department heads, in preparation for drawing up legislation to solve some of the problems and inequities that exist.

I urge you to send this legislation to the people for their examination and their approval or rejection. It is a wise piece of legislation that just might bridge some of the credibility lacking between those who pay the bills and those who half-heartedly attempt to legislate.

I move that the House reject the Majority "Ought not to pass" Report and call for a division.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I would commend the very fine comments that were made by the gentleman from Old Orchard Beach, Mr. Farrington. I think this is a worthwhile piece of legislation.

In the last couple of days after I commented on it Wednesday, I

have had quite a few people indicate interest in it. I think it has a good deal of merit. The only serious objection that I have heard to it was the fact that it would cost quite a bit. And I have tried to analyze this in my own mind, and I have at least satisfied myself that the costs are minimal if any.

At the Pre-Legislative Conference we are already paid our expenses down here, we are paid for mileage, we are paid for our meals and our room. The thought could be that it would cost another week's salary. But we are on an annual salary basis, or a term basis, so that the \$2,500 that we are receiving presently for a term could be prorated on a different basis, and this is done by enabling legislation after the amendment is passed. I cannot in my own mind feel that it would cost the state one cent in additional costs, and I really do believe that it might enhance some of the legislative process.

And to go in and analyze one situation that happened in the Republican party, and it could well happen in either party, was a situation that happened relative to the Attorney General, in which we had three very excellent candidates running. And because of a division of thinking after the Pre-Legislative Conference, we nearly upset the decision that was made at the conference on the Republican choice for Attorney General. This could happen in any office, and I feel that by giving an opportunity for these people to be firmly elected they will know exactly where they are at.

And to go back to the Attorney General's situation. Again, supposing that the way the situation presently is, an Attorney General is elected, and immediately if he is a new person into the office, immediately after that he has not even had the chance to organize his office, and then every legislator who has problems immediately descends on him. He hasn't any chance at all to get his feet braced, get himself lined up as to what he might want to do to establish his office. I think that this

would give him a month to try to determine what he might want to do and the directions he might want to take.

I would go one step further, that hopefully the day may come when electronic processes of voting have been improved, and all of the communities of the state are on an electronic voting process or mechanical roll call so that we have a very quick account of the vote, and also would be able to have a very quick recount.

The office of Governor could also be included in this. Now I would not suggest it at this time, because I realize the complications that were involved in the last recount. But I would hopefully think this might be an improvement that later on could be considered if this is passed.

I believe this is good legislation and I would certainly hope that the comments by the gentleman from Old Orchard Beach are given serious consideration, that you do reject the "Ought not to pass" Report, and then we could accept the "Ought to pass" Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I rise to support the contention of the gentleman from East Millinocket, Mr. Birt. It seems reasonable to me that if there are no serious roadblocks that can be shown, and so far I haven't been shown that they exist, to starting our legislative session in the middle of December, possibly thus as Mr. Birt has stated we would eliminate our Legislative Conference. It seems to me it is very reasonable to assume by such a procedure, if it can be considered practical, that we could get out of here three weeks earlier in the spring. To me this seems very desirable. I believe there is a great deal of merit in this bill, and it deserves very serious consideration.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to support the "Ought not to pass" Re-

port of the committee. I think the time of the year — and it is in December — is an important time of the year, and there are a number of you people in the House that are in business, or a number of people that will come back here in the next session that are in business. And this puts an undue hardship on them.

You sacrifice enough when you come down here during the months after the first of the year.

Snow will have a great factor in this too. The weather is not always that good.

As far as saving money, I don't really think that we are going to be saving any money, like the gentleman from East Millinocket said. I think it is going to cost the state money. I don't believe it is going to be too helpful in organizing the process of state government. Generally, committee assignments are generally worked out before we get here. I know we had some problems this session, but generally they are worked out.

And as far as our leadership, that is usually determined shortly afterwards. There are not too many hassles. Occasionally you have one, but not too often. I think personally that we can save the taxpayers money by accepting the committee report, "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: I would just like at this time to concur with Representative Farrington and Representative Birt. I think that actually this could add a lot of additional time prior to the initial session whereby the legislators, especially the freshmen, would have a chance to do a little bit of investigating of their own. And also at the end to do something about making the general session as a whole shorter. Thank you.

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

Mr. BITHER: Mr. Speaker and Members of the House: This is a good subject for me to get my feet wet on. I would like to remind us again that we would be here

for three days again anyway. This isn't going to add three days to the legislative session. I fail to see where it would cost any more money.

I like the idea that someone suggested — in fact I love the idea that someone suggested we get out of here three weeks earlier. I think this bill has a lot of merit. And I ask you to support the motion of my seatmate, because he is my seatmate too, and not only that, because he is a fellow educator. And I think we do need to stick together. I suggest you support that motion.

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

Mr. DRIGOTAS: Mr. Speaker and Ladies and Gentlemen of the House: I happen to be in the retail business, not for myself but working for someone else. And it is a large business. I am just wondering if people realize the impact that this will have on homes, and how many unhappy wives there will be when they won't be able to do their Christmas shopping. Many of us will be here with no transportation for the little lady at home at perhaps the busiest time of the year. I am merely just saying this so that people will be warned about the consequences at home.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I signed the majority report. I think there are a few things that perhaps have not been mentioned or fully understood here.

I fully concur with the theory and the idea behind the bill. However, there were some problems that we found in the committee that the bill did not solve. For one thing we would have a "Lame Duck" Governor. You see the governor and the legislature would, of course, all be elected at the same time. The legislature would go into session in December, the new governor would not be sworn in until January.

The second problem has been mentioned before. But I think we ought to think about it a little more fully. And that is the problem of

recounts. We are in a situation now where there is a very fine distinction, line of difference between the numbers in the two political parties. A few seats which might very well be in a recount could hold the difference. Perhaps when we do indeed have enough voting machines throughout the state so that we can have almost immediate recounts that this would not be a problem. But at the moment I think that the bill is just a little bit premature.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would like to remind the gentleman from Orono, Mr. Curtis, that we currently have a "Lame Duck" Governor.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I think we have done a lot of quibbling here this morning, and I rise to support Mr. Farrington and Mr. Birt.

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 add one comment to the point made by Mr. Curtis of Orono. In the year 1915 we actually did have a situation where one party controlled one house and one the other. In Joint Convention, one vote did make the difference as to who had the Governor's Council and the constitutional offices.

If you look in the record for the January of that year you will find that they balloted for three weeks, one ballot right after the other, before they finally decided the issue, before they finally decided who was the rightful occupant of that lone seat that decided those constitutional offices. They wasted the month of January here.

Now what would happen if the same situation happened in December and we had several recounts? I signed the majority report and I will support it. I think the Legislative Conference accomplishes practically the same ends at the present time. And I am sorry

to disagree with my good friend from East Millinocket, because he does have some valid points. But I think the points that are against his contention outweigh them.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I am sorry to have to oppose my good friend from East Millinocket, Mr. Birt. He does have some very good thinking in this bill, but there are many ramifications that go along with this. I would just call one point to you, that we have been told here this morning that three days will save three weeks. Now if school teachers can do this, we better have all school teachers in here.

I simply will hope that you will go along with the committee, and since this does have a good deal of merit, I would suggest that we turn it over to the Research Committee, because this is a constitutional change, and it would seem that more study should go into this than starting debate before it even gets through its third reading.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: To try to sum up two or three of the objections. The gentleman from Auburn, Mr. Drigotas, commented on the fact that we wouldn't have the time during December to do some of the things that we might want to do because of the fact that we would be busy down here and December is a busy month. But we are down here for three days for a Pre-Legislative Conference. So this would not change in one bit the amount of time that we would spend here. This would formalize the whole process, and would make final the decisions we would make at this three-day session.

As to the "Lame Duck" Governor — and this is possible undoubtedly it would be on every other session, unless we had a re-elected governor, you would have a governor who wouldn't be

finishing out his term. But this special, or this early convening would not have anything to do with legislative process. Actually a "Lame Duck" Governor, if you want to be precise about it — and I believe I am right — that a "Lame Duck" Governor does swear in the legislature on the first day of the session. That the legislature then convenes to inaugurate the governor. So as far as the swearing in of the legislature and what goes on during this period, it actually is accomplished by a "Lame Duck" Governor. I fail to see where there is any problem with the outgoing governor presiding at this Pre-Legislative Conference for the period during the time the legislature is sworn in.

And as far as the recounts are concerned, there will be five weeks between the time of the election and the time when this convening will be accomplished. And I feel that the recounts that would be involved here can be accomplished in this time. I think the process of recounting could be speeded up if we really put our minds to it.

So on the objections that I have heard this morning I can't agree but what any of them either are not problems, or are things that can easily be surmounted.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Members of the House: Being the furthest from Augusta of any of us in the House here, and being in my fifth session, I have attended all five of the Pre-Legislative Sessions. The snow didn't stop me. And I hope that Mr. Birt's proposal would have a favorable reception with you. And if we are away and bother the wives from shopping a little bit, maybe our pocketbooks won't be so flat.

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

Mr. FINEMORE: Mr. Speaker, could I place a question through the Chair to anyone that wishes to answer?

The SPEAKER: The gentleman may pose his question.

Mr. FINEMORE: Would this be that we could finish up everything in these three days so that the committees would all be appointed, the chairmen and so on and so forth, that committees could be formed and the House and Senate Register could be issued and put out pamphlets showing what we are on? Would all this be covered in these three days?

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from East Millinocket, Mr. Birt, who may answer.

Mr. BIRT: Mr. Speaker and Members of the House: To answer the question, this would actually have to be a decision of the people who would be elected to preside. I believe that much of this could be accomplished. I see no reason why it couldn't. If the presiding officers of both bodies in the next week or ten days were to make the decisions on their committee assignments, and the information is left here, and the Clerk of the House is elected and she could retain her staff, it would be my belief that these things could definitely be accomplished.

I really believe that it could be done. I think that it would require decisions by these people who are involved in the presiding positions, but I honestly believe that this could be accomplished. My answer would be, in my opinion, yes.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I think the answer is very good, and with this in mind I would go along with the motions of the gentleman from Old Orchard Beach, Mr. Farrington.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Very briefly, I recognize one other point that I think might have some bearing. Whether we were in

session or not, once we had organized it seems to me that bills could be presented whether we were here or not. And I feel very strongly that this bill has a lot of merit. And again I say I hope you consider it very seriously.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: My objections to this are that we have no time limit set on either our special sessions or our regular sessions. Many of us hopefully, having been here in regular session, hoped at the start of the session that we will be out of here by perhaps May or early June. Invariably we are here until July. I remember in the 103rd, I believe it was, we stayed here until the 3rd of July.

Now whether it be a special session or regular session, if we have no time limit set I am afraid that this three-day setup would be aborted, and we would go into probably four or five days, and perhaps a week.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: There was one objection raised to this point, and that was the objection of weather. And we all realize that if we don't like our weather all we have to do is wait a minute. There may be some confusion regarding this motion, because in order to support Mr. Birt's position on this we must vote against the motion. And I just wanted to bring that point out. Thank you.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: Just one more little item. When we are here in the Pre-Legislative Conference, which amounts to three days, it costs roughly \$10,000. But when we are here every day it is costing the taxpayers \$10,000 a day. Now Mr. Birt's bill is calling for two weeks. That is roughly \$60,000. I think we can accomplish some of the things that he wants

to accomplish in the Pre-Legislative Conference for \$10,000.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: There was an inference made a few minutes ago that this Pre-Legislative meeting could last indefinitely. I think if you will read the document on page two, Section 1, it is limited to Wednesday, Thursday and Friday. I am quite certain that the answer would be that it cannot be extended beyond that according to the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature, House Paper 206, L. D. 272. A vote has been requested. All in favor of accepting the Majority "Ought not to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Farrington of Old Orchard Beach, the Minority "Ought to pass" Report was accepted.

The Resolution was read once and assigned for second reading the next legislative day.

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

AN ACT relating to the Number of Signatures Required on Nomination Papers (S. P. 32) (L. D. 65)

Tabled — February 24 by Mr. Vincent of Portland.

Pending — Passage to be enacted.

On motion of Mr. Vincent of Portland, retabled pending passage to be enacted and specially assigned for Wednesday, March 3.

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

Bill "An Act relating to Initiative of Articles to be Included in School Administrative District Budget Meetings" (H. P. 689) (L. D. 795)

Tabled — February 25, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

Mr. Dam of Skowhegan offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-35) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

On motion of Mr. Susi of Pittsfield,

Adjourned until Tuesday, March 2, at ten o'clock in the morning.