

# 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, March 19, 1971

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.

**Papers from the Senate**

Bills from the Senate requiring reference were disposed of in concurrence.

**Report of Committee Referred to Committee on State Government**

Report of the Committee on County Government on Bill "An Act relating to Reports of Departments, Commissions and Institutions" (S. P. 374) (L. D. 1110) reporting that it be referred to the Committee on State Government.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on State Government.

In the House, the Report was read and accepted in concurrence and the Bill referred to the Committee on State Government in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 23, 1971, at 10 o'clock in the morning. (S. P. 508)

Came from the Senate read and passed.

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

**Petitions, Bills and Resolves Requiring Reference**

The following Bills, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, were received and referred to the following Committees:

**Appropriations and Financial Affairs**

Bill "An Act to Authorize Food Stamp Program" (H. P. 1210) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)  
Sent up for concurrence.

**Judiciary**

Bill "An Act to Create a Commission to Prepare a Revision of the Criminal Laws" (H. P. 1211) (Presented by Mr. Lund of Augusta)

(Ordered Printed)  
Sent up for concurrence.

**Public Utilities**

Bill "An Act to Amend the Charter of the Presque Isle Water District" (H. P. 1212) (Presented by Mr. Parks of Presque Isle)

(Ordered Printed)  
Sent up for concurrence.

**Orders**

Mrs. Lincoln of Bethel presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that Wednesday, April 14, 1971 be designated as "Welcome Back Day" at the Legislature; and

BE IT FURTHER ORDERED, that all former presiding officers of the House and Senate, and all former Officers of the House and Senate are hereby extended a cordial invitation to be guests of the 105th Legislature in session on that date; and

BE IT FURTHER ORDERED, that each individual member of the present Legislature be charged with the duty of urging all former House and Senate members from his district to avail themselves of the opportunity of returning on "Welcome Back Day" to renew old established friendships; and

BE IT FURTHER ORDERED, that the lady legislators be instructed to further the plans for "Welcome Back Day" (H. P. 1215)

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

**House Reports of Committees Ought Not to Pass**

Mr. Pratt from the Committee on Veterans and Retirement reported "Ought not to pass" on Bill "An Act relating to Payment of Retirement Allowances under State Retirement System" (H. P. 249) (L. D. 330)

Mr. Theriault from same Committee reported same on Bill "An Act relating to Retirement of State Employees with 20 Years of Service" (H. P. 622) (L. D. 832)

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

**Leave to Withdraw**

Mrs. Lincoln from the Committee on Labor on Bill "An Act Increasing the Minimum Wage" (H. P. 52) (L. D. 86) reported Leave to Withdraw.

Mr. Theriault from the Committee on Veterans and Retirement reported same on Bill "An Act relating to Service Retirement under State Retirement Law" (H. P. 169) (L. D. 225)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft  
New Draft Printed**

Mr. Emery from the Committee on Public Utilities on Bill "An Act Increasing Indebtedness of Boothbay Harbor Sewer District" (H. P. 502) (L. D. 648) reported same in a new draft (H. P. 1214) (L. D. 1332) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and assigned the next legislative day.

**Ought to Pass  
Printed Bills**

Mr. Millett from the Committee on Education reported "Ought to pass" on Bill "An Act relating to Trustees and Executive Committee of Lincoln Academy" (H. P. 803) (L. D. 1076)

Mr. Simpson from same Committee reported same on Bill "An Act relating to Interest Limitation in Community School Districts" (H. P. 701) (L. D. 944)

Mr. Gagnon from the Committee on Liquor Control reported same on Bill "An Act relating to Drinking in Unlicensed Places" (H. P. 356) (L. D. 464)

Mr. Maddox from same Committee reported same on Bill "An Act relating to Transfer of Liquor License When There is a Change in Minority Ownership" (H. P. 747) (L. D. 1008)

Mr. Dow from the Committee on Veterans and Retirement reported same on Bill "An Act to Remove Remarriage Restriction on Survivor Benefit Payment under State Retirement System" (H. P. 624) (L. D. 834)

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

**Ought to Pass with  
Committee Amendment**

Mr. Curtis from the Committee on Veterans and Retirement on Bill "An Act relating to Retirement Benefits for Forest Rangers under State Retirement System" (H. P. 318) (L. D. 418) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-60) was read by the Clerk and adopted, and the Bill assigned for third reading the next legislative day.

**Divided Report**

Majority Report of the Committee on Labor on Bill "An Act relating to Switch Targets under Railroad Law" (H. P. 347) (L. D. 456) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. MARCOTTE of York  
LEVINE of Kennebec  
—of the Senate.

Messrs. BUSTIN of Augusta  
KELLEY of Machias  
LEE of Albion  
ROLLINS of Dixfield  
BEDARD of Saco  
GENEST of Waterville  
McTEAGUE of Brunswick  
SIMPSON of Millinocket  
—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1213) (L. D. 1310) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. TANOUS of Penobscot  
—of the Senate.  
Mr. GOOD of Westfield  
Mrs. LINCOLN of Bethel  
—of the House.

Reports were read.

On motion of Mr. McTeague of Brunswick, the Majority "Ought to pass" Report was accepted and the Bill was read twice.

Committee Amendment "A" (H-61) was read by the Clerk and adopted and the Bill assigned for third reading the next legislative day.

**Passed to Be Engrossed Amended Bills**

Bill "An Act Providing for Adult Education" (H. P. 384) (L. D. 499)

Bill "An Act relating to Law Providing for Statutory Agent for Foreign Domiciled Carriers Purchasing Semitrailer Plates" (H. P. 512) (L. D. 657)

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**

An Act relating to Group Fishing Permits for Inmates and Patients at State Institutions (S. P. 177) (L. D. 529)

An Act relating to Financial Report of State Housing Authority (S. P. 181) (L. D. 533)

An Act Pertaining to the Salary of the Administrative Hearing Commissioner (S. P. 237) (L. D. 699)

An Act Providing Funds for Shalom House, Inc., a Halfway House, in Portland (S. P. 272) (L. D. 800)

An Act relating to Jurisdiction of the District Court in Proceedings to Quiet Title in Real Estate Matters (S. P. 437) (L. D. 1147)

An Act relating to Carrying Life Saving Devices in Canoes (H. P. 115) (L. D. 159)

An Act to Cause the Central Register of Attorneys to be Maintained by the Administrative Assistant to the Chief Justice of the Supreme Judicial Court (H. P. 195) (L. D. 251)

An Act relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities (H. P. 311) (L. D. 411)

An Act Providing for a Feasibility Study of Alternative Methods

for Crossing Fore River (H. P. 404) (L. D. 517)

An Act relating to the Commitment of Persons to Correctional Centers (H. P. 461) (L. D. 616)

An Act to Create an Interstate Boundary Commission to Establish a Marine Boundary Compact between Maine and New Hampshire (H. P. 685) (L. D. 920)

An Act relating to Definition of Wholesaler under Liquor Law (H. P. 1067) (L. D. 1127)

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

**Orders of the Day**

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Extend Unemployment Compensation Benefits during High Periods of Unemployment" (S. P. 156) (L. D. 425) — In Senate, passed to be engrossed.

Tabled—March 16, by Mr. Lee of Albion.

Pending — Passage to be engrossed.

Mr. Lee of Albion offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-56) was read by the Clerk.

The SPEAKER: The pending motion is the adoption of House Amendment "A".

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

Mr. McTEAGUE: Mr. Speaker, I move the indefinite postponement of House Amendment "A" and would speak to the motion.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. McTEAGUE: Mr. Speaker and Members of the House: The bill to be amended is a bill which last week we approved in this House by a margin of 112 to approximately 40. It is an emergency bill, as you will recall, to extend the period of unemployment compensation from 26 weeks, by 13 more weeks to 39 weeks.

The reason for this, which is being encouraged by the national government and has taken place in many states already, is because of the high unemployment they are currently experiencing. Many people in Maine, it is estimated in excess of 11,000 this year, will run beyond their 26 weeks of unemployment compensation and if the additional 13 weeks is not provided to them they will become a charge of the towns and public charity.

The amendment offered by the gentleman from Albion, Mr. Lee, relates to the area of double dip, which is a somewhat metaphysical and at least for me difficult to understand concept. However, it is true that in at least some cases some people have been entitled to more than the normal 26 weeks of unemployment compensation. This is something which is going to be changed and which must be changed. There is a general unemployment compensation bill in now which is to be referred to the Committee on Labor and which will be reported out and considered by us this session, which abolishes the double dip problem.

The problem I see with the amendment is that it confuses, if you will, the emergency of the simple issue of extending unemployment compensation for 13 weeks with the more complex area of double dip. It is, of course, possible that we would get involved in a situation of non-concurrence with another legislative body. The need is now; the need is an emergency. The need is not this summer or this fall to pass the 13-week extender. It is too bad we couldn't have passed it a month ago.

So not out of any opposition necessarily to the amendment — although I would suggest respectfully that the gentleman who offers the amendment has voted on two occasions against the 13-week extender. The gentleman from Albion voted against the 13-week extender as a member of the Labor Committee and he also voted last week on the floor of this House against the 13-week extender.

The issue before us is a simple one. Are you in favor of extending unemployment compensation during this period of high unemploy-

ment, or do you want to confuse the issue and take a chance that there will be no action by this Legislature to give relief to our hard pressed unemployed individuals and communities?

Mr. Speaker, when the vote is taken I ask that it be by roll call.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: You have heard a good explanation from the gentleman from Brunswick, Mr. McTeague, and I wish to remind you that I am going to vote for the extension of the 13 weeks, with this amendment. This amendment simply doesn't do away with the 13-week extension in any way. The only thing this does is it requires after the 13-weeks extension that people do work and earn, and they have cut down from at least 600 to at least 300, and I think that this is a reasonable thing.

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

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

A vote of the House was taken and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I personally do not understand the double dip theory; whatever it is I still am not sure. What worries me, however, is that we have a serious situation which we ought to take care of immediately. It is one which we have to take care of if we are going to meet the needs of those people that are on unemployment and those people whose unemployment benefits are terminating. I would sincerely hope that we could resolve the problem of the double dip when the bill comes

before the Labor Committee and it is reported back to us.

Speaking as one lowly non-member of the Labor Committee, I would hope that when the time does come that we could have someone who could explain the double dip theory to me so that I can understand it. It may not be very complicated, but I would hope at this point that we resolve the problem at hand in providing for unemployment benefits and that we do not get ourselves involved in the double dip problem.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Speaking as a former member of the Labor Committee, I would point out one or two factors here that perhaps have not been given sufficient consideration.

First of all, the fund out of which the extended unemployment benefits are to be paid. It is a fund that is solely created by the employers of the State of Maine. I was interested to note that Mr. McTeague does not object to the abolition of the double dip, which is the purpose of Mr. Lee's amendment. It seems to me that when we are imposing this additional drain on the unemployment insurance fund that it is entirely reasonable at the same time to eliminate what is now and has been for some time a very apparent defect in the unemployment insurance system.

So I would support very urgently the amendment which Mr. Lee has proposed as being a very sensible amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Because I was as confused about the double dip as I was about the double bottom a few years ago, I took it upon myself to ask for an explanation from the Employment Security Commission of the double dip, and the answer that I got was that a double dip claimant is one who establishes a benefit year a period of 52 consecutive calendar weeks, exhausts his entitlement and at the

end of his benefit year again applies for benefit, establishing his second benefit year without having employment subsequent to the beginning of the first benefit year.

As you know, this is possible in our present law because of the fact that benefits are based on earnings in the first four of the last five calendar quarters preceding the benefit year resulting in the existence of the lag quarter. Upon expiration of the first benefit year, the lag quarter moves into the base period for the second benefit year. If the claimant has sufficient earnings, or a minimum of \$600, in this lag quarter he is entitled to the benefits in his second benefit year under the double dip situation.

At this point it should be made clear that the fact that by January first of 1972 our Maine law must be eliminated to eliminate the further double dip situation in order to be in conformity with Federal law recently enacted.

It is my understanding that you will soon have a bill for your consideration. There is a bill that you will have presently before you which deals with this problem specifically. Because the fact of the matter is that the Federal Government has required that we eliminate the double dip. But I would suggest that wherein it concerns itself with the amendment as presented by the good gentleman from Albion, Mr. Lee, it does not belong in this particular vehicle here.

What we should do is to not pass this amendment, recognizing the fact that it has all the qualities that an amendment of this type has, but this will be taken care of in another measure that will subsequently be before us, and I fully intend to vote and support this measure when it comes up.

For that reason, Mr. Speaker, I would think that we would — because this would just confuse the issue of the extension, delay the issue of the extension of the 13 weeks which is very badly needed, if I would quote to you the percentages of our unemployment in the vast areas of the state as I would have them. For instance the rate in Washington County,

12.7; Knox, 12.5; Somerset, 11.8; the Biddeford-Sanford area, 10.5; Aroostook County, 9.1; and Piscataquis County, 8.2; Greenville itself, 11.1; Belfast and Searsport, 8 percent; in my areas around me, 8 percent or plus, of those drawing unemployment. But if the truth be known it would be now merely scaled 12 percent if you include those who are not drawing benefits.

I would hope fervently that the gentleman from Albion, Mr. Lee, and the gentleman from Houlton, Mr. Haskell, would understand that it isn't my intention nor the intention of the previous speakers to vote against the elimination of the double dip. Because this is not our intention at all. However, this would be a confusing and delaying tactic of a problem that is very very badly needed now and that is the extension of 26 to 39 weeks, a 13-week extension.

Is the motion, Mr. Speaker, the indefinite postponement of the amendment?

The SPEAKER: The pending question is the indefinite postponement of House Amendment "A".

Mr. JALBERT: Thank you, Mr. Speaker. I would certainly hope that we would vote to eliminate this amendment as a confusing one and a delaying one, with the thought in mind that we will vote definitely to eliminate the double dip in another legislation that deals more directly with it than it does with L.D. 425.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Whoever votes against the double dip today is voting against the people of Maine.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: It is no intention of mine to confuse or do anything with this double dip. It is in my theory that we are extending and I will vote and hope it passes as an emergency measure for this extension of the 13 weeks, and I am on record right now as saying this.

I couldn't see originally why we should do this, but I have convinced myself, and I believe it is so that we are in an economic situation where it is needed. We surely are going to be rid of the double dip eventually anyway, and if we deplete our fund to the extent that this might do there are over 9,000 people that have used this thing, and it could be theoretically 9,000 — of course it wouldn't be 9,000, because some people will find work. And if we extend 13 weeks, a good big part of them use that and we deplete our fund, then where are we? I hope you will vote against the indefinite postponement of this amendment.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I am gratified that Mr. Lee will support the concept of the extension of 13 weeks. I would like to comment on one of Mr. Haskell's statements regarding the financing of this 13-week extender. If you refer to L.D. 425 on the first page in the emergency preamble to the bill, in the last paragraph, it reads as follows:

"Whereas said Public Law 91-373 provides that the State shall be reimbursed by the Secretary of Labor of the United States an amount equal to ½ of the sum of extended benefits paid to such individuals . . ."

So, ladies and gentlemen, I believe the fact is that half of this is financed directly by the federal government under legislation proposed by President Nixon, and that one half is at no cost whatsoever to the state.

You probably recall figures regarding the number of beneficiaries who have exhausted their current period of entitlement of 26 weeks. A few of the counties involved are: Cumberland County it involves 1,850 people; Penobscot County is 550; Somerset is 300. There are many people, many of our constituents involved.

I have had a number of the members of the House come to me and say — what does it look like, will it be one week, or two or three or four before we pass this? They have had a lot of calls



from home from people who have already run beyond their 26 weeks.

Regarding the amendment which we are to vote on now, it is possible that even though there may be general agreement on the abolition of the double dip that there may be different figures involved. Should it be two quarters or one quarter? Should it be \$300 or \$600? If we get involved in all these picayune arguments we will be delaying the extension of the 13 weeks, which is something we need to do now, which is truly an emergency. I hope if you do favor the 13 week extender, and you want to put it into effect now, you will vote to indefinitely postpone proposed Amendment "A".

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

Mr. McNALLY: Mr. Speaker and Members of the House: All too often many bills come up that you would like to attend the hearing and are unable to. And I just happened by chance to get into this one at the time that the member of the Unemployment Commission was speaking. And he was warning them on this particular bill that the fund already was down to the danger point.

Now since Mr. McTeague made the statement about the government paying half, I am curious to know whether the government is going to pay half of any double dip of 26 more weeks. Because if you have 26 weeks and 26 weeks and 13 weeks, you have got 65 weeks that a man can receive payment. And the only thing that concerns me, being one of the ones that pay the money as far as the state goes, as a contractor, I am interested to know, is the government going to pay? Suppose the double dip is left in, up until January 1 of next year, are they going to pay half of that 26 weeks or not?

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

Mr. KELLEHER: Mr. Speaker, I would just like to pose a question to the House to anyone who would care to answer it. There are so many people in this state that have exhausted their benefits, just what

are they going to do if they don't get an extension?

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: As we go into the debate, in answer directly to the question of the gentleman from Bangor, Mr. Kelleher, I mean the answer to that question is, if there is no savings available to these people, I mean the next place is the Welfare Department.

I might comment that the exhaustees eligible now generally in this state would be: Portland, 1,250 people; Lewiston-Auburn, 500 people; in the Bangor area, 300 people. I might comment, if I may, Mr. Speaker, while I am on my feet, that as this debate progresses more arguments that the passage of this amendment would delay is being brought forward. Because in some areas we are not listening to just an argument as to why this amendment should pass, but we are hearing somewhere along the line some indications that the extension should not be given. And for that reason, with the remarks that I made that we should not delay this thing by amendment, we should pass it or not pass it strictly on the merits of the bill itself, and not try to kill it off by amendments that are going to be taken care of later anyway.

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

Mrs. PAYSON: Mr. Speaker, I would like to pose a question through the Chair to anyone who can answer it. I would like to know if there is a limitation on the lifetime of the extension from 26 weeks to 39 weeks.

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

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mrs. Payson's

inquiry, the answer is yes, there is. It is not a limitation set arbitrarily as to a particular date, like December 25, 1971; but rather it is a limitation that considers the seriousness of unemployment, both in the country and in our state.

If you look at the bill which is L.D. 425, you will see, for example, on page four there is a definition of a "state 'off' indicator" and a "state 'on' indicator". What the basic scheme of the bill is regarding its expiration of the additional 13 weeks is, is that it applies as long as we have had unemployment either nation - wide or in our state. If economic conditions improve so that the overall rate of unemployment declines, then the 13 - week provision cancels out automatically.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: As this debate progresses — and I am speaking as an individual legislator — it seems to me that certain facts become evident. One, that there is general support for the extension for 13 weeks of the benefits with the understanding that in the bill it provides for half of the money to come from federal.

There is also apparent general support for the removal of the double dip. And I think it boils down to whether the double dip shall be removed by this amendment or by a bill.

And those who are against the amendment purport to us that this hazards the bill, and I believe they are correct. I think that it does hazard the bill if this amendment were attached. Also it has been mentioned to us that there is a federal law which provides that this double dip has to be removed, so that we have no alternative in this; and that there is a bill in this session to remove the double dip.

Now, if anyone here can assure us that this bill is going to do the job, and that it covers the same territory as the amendment, then I think we are all in agreement and we can go ahead and support this bill without the amendment that has been offered.

And so I am asking anyone who has any information on the background of this bill, and can assure us that this will take care of the double dip, to give this evidence to us so that we can be on with our business. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. McTeague, that House Amendment "A" to Bill "An Act to Extend Unemployment Compensation Benefits during High Periods of Unemployment," Senate Paper 156, L.D. 425, be indefinitely postponed. A roll call has been ordered.

All in favor of the indefinite postponement of House Amendment "A" will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bailey, Bartlett, Bedard, Bernier, Berry, P.P.; Berube, Binnette, Birt, Bither, Boudreau, Brown, Bustin, Call, Carey, Carrier, Carter Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A.P.; Curtis, T.S., Jr.; Cyr, Donaghy, Dow, Doyle, Drigotas, Dyar, Emery, E.M.; Farrington, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Goodwin, Hall, Hancock, Hawken, Hayes, Henley, Herrick, Hewes, Jalbert, Jutras, Kelleher, Kelley, R.P.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lewin, Lewis, Lizotte, Lucas, Lund, Lynch, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Mosher, Murray, Norris, O'Brien, Orestis, Parks, Payson, Pontbriand, Porter, Rand, Rocheleau, Scott, Shute, Simpson, L.E.; Simpson, T.R.; Slane, Smith, D.M.; Smith, E.H.; Stillings, Susi, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson, Wood, M.E.

NAY — Ault, Baker, Barnes, Berry, G.W.; Bragdon, Brawn, Bunker, Clark, Crosby, Dudley, Emery, D.F.; Evans, Hardy, Haskell, Immonen, Kelley, K.F.; Lee, Lincoln, Littlefield, MacLeod, Marstaller, McNally, Page, Pratt, Rollins, Shaw, Trask, White, Williams, Wood, M.W.; Woodbury.

ABSENT — Bourgoin, Churchill, Collins, Dam, Faucher, Gill, Good,

Hanson, Hodgdon, Kelley, P.S.; Ross, Santoro, Sheltra, Silverman, Starbird, Tanguay, Wight.

Yes, 102; No, 31; Absent, 17.

The SPEAKER: 102 having voted in the affirmative and 31 having voted in the negative, with 17 being absent, the motion does prevail.

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

Mrs. Brown of York presented the following Joint Resolution and moved its passage.

WHEREAS, on March 16, 1971 this State and Nation lost a most distinguished and honored public servant in the death of the Honorable Thomas E. Dewey; and

WHEREAS, the Nation will long remember him as a great patriot and statesman who left many imprints on our beloved country during his lifetime; and

WHEREAS, citizens of Maine take special pride in recalling those delightful moments that came through his visits to the Pine Tree State accompanied by his late wife, Frances; now, therefore, be it

RESOLVED: That we, the Members of the 105th Legislature now assembled, inscribe this token of our enduring affection and esteem for his memory and extend our deepest sympathy to his family and our understanding to all others who share in the loss, and be it further

RESOLVED: That a copy of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of State to his two sons as a token of our esteem. (H. P. 1216)

The Joint Resolution was received out of order by unanimous consent, read and adopted, and sent up for concurrence.

The Chair laid before the House the second item of Unfinished Business:

An Act relating to Operation of Snowmobiles in Cemeteries (H. P. 299) (L. D. 399)

Tabled—March 16, by Mr. Norris of Brewer.

Pending—Passage to be enacted.

On motion of Mr. Norris of Brewer, under suspension of the rules, the House reconsidered its action of March 4 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-59) was read by the Clerk and adopted, and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

An Act relating to Candidates for Primary Election or Nomination Petition and Time for Filing Nomination Petition (H. P. 952) (L. D. 990)

Tabled — March 16, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

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

Mr. McCLOSKEY: Mr. Speaker, I move the indefinite postponement of this bill and would speak to my motion.

The SPEAKER: The gentleman from Bangor, Mr. McCloskey, moves the indefinite postponement of L. D. 990 and he may proceed.

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: What this bill does, in effect, it requires independent candidates to file their nomination petitions at the same time as regular candidates, that is, April 1. In doing so it, in my opinion, eliminates the possibility of any independent candidates. By April 1 neither the issues nor the personalities involved in a general election are clarified at that time. That is one reason that it would have the effect of eliminating independent candidates.

One of the arguments used for passing this bill is that many independent candidates run as a result of losing the primary and are simply showing vindictiveness. And I would suggest that if this is the purpose of the bill, then a bill should be introduced to that effect, that any candidate who runs in

a primary and loses the primary cannot then run in the general election and not to try to eliminate people from doing that by imposing restrictions on all independent candidates.

I am not a champion of independent candidates or their causes, but I think that it can be demonstrated that an independent candidate has never been successful in the State of Maine. The highest vote an independent candidate has ever gotten is 15 percent back in 1952 by Neil Bishop when he was running for Governor. Never, to my knowledge, has any independent candidate ever caused any regular candidate to lose an election at any time. I think the most prohibitive effect on an independent candidate is the cost of a political election.

I think it is a poor policy to pass a bill like this because what it does, in my estimation, is it closes off the democratic process, and I would hope that you would think about this and support me in indefinite postponement of this bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Early in the session we had a bill requiring independent candidates to have to submit five percent of the number of voters that were cast in their last gubernatorial election in order to file their names on the ballot. It was decided at that time that this was a discriminatory practice, by many members of the House, and the bill laid around here for several weeks on the table trying to work out a satisfactory amendment.

When this bill was brought up before the Election Laws Committee it was decided that this was probably a better approach to the handling of independent candidates.

Now independent candidates presently can start to have nomination papers filled out beginning the first of January. It would appear to me that if there is any discrimination, it is discrimination against the candidates who might want to file in either party, be-

cause the independent candidate has from the first of January to the fifteenth of August to have his nomination papers filled out. It seems that this is putting everybody on the same basis. If a person wants to file as an independent candidate, why they have every right to do so, but they would file their nomination papers at the same time as every other candidate.

I do feel that this redraft that has come out of the committee makes a good deal of sense. I feel it is right. And I feel that the gentleman from Bangor, Mr. McCloskey, made the comment, the independent candidate was discriminated against; I fail to understand this. Now he also made the comment that why not have a bill to prevent a person who was defeated in the June primaries from filing again. This area has been explored, it is my understanding, and to write a bill of this type into the law would be completely discriminating because you are eliminating a particular individual from filing in August — the fifteenth of August. If he has not been a candidate, he can file; but if he has been a candidate and been defeated, he cannot file. This would be completely discriminatory.

It seems to me that the only way of putting this thing on a sound basis in which there is no discrimination is to make them accept the position that everybody would file — their nomination papers would be filed with the Secretary of State on the same date. And I would certainly oppose the motion of indefinite postponement.

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

Mr. McCLOSKEY: Mr. Speaker and Members of the House: I would just like to point out that if we have all candidates filing their nomination petitions by April 1 it, in effect, eliminates independent candidates. And I would explain this by saying that by April 1 the issues and the personalities involved in the campaign are not yet clarified.

Someone might be running for an election that I support, and running in the primary, a candidate might be running in a primary that I support and many other people in my district would support. That candidate might then get defeated in a primary, and then I as a voter would not have, perhaps, the type of candidate that I would wish to have represent me. Then I might choose to run as an independent candidate, but I couldn't do that if I would have had to file my nomination petitions April 1. So it does really eliminate virtually, in my estimation, if you think about, it eliminates independent candidates.

Now as I said, never has an independent candidate posed a threat to either party in the State of Maine. Neither has it posed a threat to any individual candidate. So I really can't see any sense of restricting the democratic process to people. Why shut this thing off? Now again, the real prohibitive effect would be the cost of running any type of effective political independent campaign. And again, to answer the response that we couldn't submit a bill to outlaw one candidate, or a bunch of candidates running after they have lost the June primary, this seems to me is the only purpose of this bill. Now if the purpose is to eliminate those people who have lost primary elections and simply out of vindictiveness are running again in November, then it seems to me that discrimination would be justifiable.

So I would hope that you would realize that this bill will kill all independent candidates because the issues and the personalities are not clarified by that time.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK; Mr. Speaker and Members of the House: A couple of points I would like to make, one is this matter has been considered very carefully in the Election Laws Committee and the bill, as it is now presented before you, number 990, has the unanimous endorsement of the Election Laws Committee.

I agree with the gentleman from Bangor, Mr. McCloskey, that there

is a place in our political system for the independent candidate. And I think that this place should be equal with the Democratic candidate and with the Republican candidate. I think they should all be equal. But I do not agree that the independent candidate should be more equal than the rest of us. I feel that they have an undue advantage now, and this would make everyone equal together — the Republican, the Democrat and the independent.

Mr. McCloskey mentioned that issues and personalities had not been developed by April 1. If this is true for the independent candidate, it is also true for those of us who run on the regular party tickets. So I do not feel that this is an issue. I do not feel that this bill would eliminate the independent candidate, it would merely put him on the same footing as the Democratic candidate, as the Republican candidate. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of this House: I too am sitting on that same committee which unanimously passed "ought to pass" on this bill. I think that it is on very rare occasions that I agree with the members of the majority party, but in this case I was very happy to support Mr. Birt, the gentleman from East Millinocket, in his request for this, and along with the rest of the members we came out with a draft which I thought was very good.

Now the gentleman from Bangor, Mr. McCloskey, points out that it is going to deprive some persons from running after the primaries. That is true. But let me put it this way, it is going to take out a lot of headaches from some of these people who are determined to run after they have once been defeated. It causes a lot of work in the Secretary of State's office and it also causes the candidates who have been elected in the primaries a great deal more work. And I think that as far as the independent candidate is concerned, if they would establish a party of their own, run in the primaries, then I think they would

all be on equal footing. And I certainly hope that this motion to indefinitely postpone this bill does not prevail.

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

Mr. WHITSON: Mr. Speaker and Members of the House: I rise in concurrence with Mr. McCloskey's contention. I feel that there are occasions in which the primary elections result in no choice, only echoes. In this case, independent candidates may choose to become candidates, although they stand no viable chance in the general election. However, dissatisfaction with the partisan primary results should not be stifled. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McCloskey, that an Act relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition, House Paper. 952, L. D. 990, be indefinitely postponed. The Chair will order a vote. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 111 having voted in the negative, the motion did not prevail.

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

The Chair laid before the House the fourth item of Unfinished Business:

Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature (H. P. 206) (L. D. 272)

Tabled—March 16, by Mr. Keller of Bangor.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: I was one of, I believe, two people who signed the Minority "Ought to pass" Report on this particular bill, and I did it out of courtesy for the gentleman from East Millinocket, Mr. Birt. He has carried this bill quite far. I would compliment him on his ability, but I would certainly not

compliment the bill on its good qualities.

What this bill would do would be require us to meet in mid-December officially. It would create considerable costs. It would mean that one group of legislators would have their term cut off by another group of legislators coming in two weeks before that first group's term would officially have ended. It means that the legislature would be officially convening before the Governor is sworn in, and I think it causes a sufficient number of problems that we should consider not passing this particular piece of legislation.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I voted in favor of this bill when it first came up, and after going out and making another study on it, I found out that I will agree with the gentleman — the previous speaker, I should say, because I find that if we go into this bill we also have to bring in the Pages and the Clerk's office help and we are in confusion until this is passed. As the speaker has just said, we are in confusion waiting for the Governor to be sworn in and the representatives of the previous session still being in power. So therefore, I hope we will go along with the — or I will make a motion if it hasn't been made to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of L. D. 272.

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

Mr. JUTRAS: Mr. Speaker and Members of the House: For the record, it was stated two years ago that the concept of Representative Birt's idea on this bill is very very good. But it was stated two years ago that the House should convene on the regular dates, the first Wednesday in January and then adjourn, leaving here the Reference of Bills Committee in session. At that time that would allow the bills to be printed and then we would reconvene in early February, because in the month of

January we do not accomplish too much, and that would serve the same purpose.

So for that reason, Mr. Birt's bill is worthy. However, the time element, the time factor causes many problems, and for that reason I move also for indefinite postponement of this bill.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the ones that signed the report "ought not to pass" on this bill, and though it has some merit I feel that we should indefinitely postpone this bill as this time. At the last session of the legislature we changed Washington's Birthday, Memorial Day, Veterans' Day, and I think that we have got to become accustomed to these changes, and if we start changing the date of the legislature then we may want to change Christmas to get that out of the way. So I go along with the indefinite postponement motion.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House; In my remarks I will be referring to what they have done in Florida and what we can accomplish if L. D. 272 goes to the people for their consideration.

At a special one-day organizational session, held just two weeks after the biennial November election, the legislators formally choose their leadership for the coming two years. At this time all members attend three days of extensive seminars touching on all aspects of government. Freshman legislators must attend an additional day of basic schooling in the art of law-making. During this special session the Speaker of the House and the President of the Senate appoint their respective committees and these standing committees are functional units able to meet at any time during the interim or regular sessions to deal with governmental crises, conduct investigations with subpoena powers, or undertake the laborious research that must go into such complex

matters as appropriations or education.

Even though some of these major changes were first put into practice in the days preceding the 1969 session in Florida, these new techniques and procedures have borne fruit. Why can't we in Maine attempt to be as progressive as Florida and vote for viability and efficiency in legislative procedure?

Although L. D. 272 is much looser than the Florida experiment, I believe many of the same efficiencies will be forthcoming. We must make state government more relevant to the needs of a changing society. One respected and knowledgeable expert on state government here at the Capitol informs me that no one can prove it won't work and it just might be successful. I urge your support on this progressive amendment to the Constitution. Thank you.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would commend the excellent research that has been done by the gentleman from Old Orchard, Mr. Farrington. I think he thoroughly does see what this bill would do. I have also tried to research in my mind any one of the questions that have been posed on this. I fail to find any of them that really make any point to me.

As far as cost is concerned, we presently do come down to the Pre-Legislative Conference. The expenses of coming down here are paid by the State. I fail to see where there is any appreciable cost that could be developed out of this. We are paid our mileage; we are paid our room; we are paid our meals.

I would point out that the Pre-Legislative Conference at the present time, most all legislators do attend it. But there is nothing compulsory about it. There are some legislators who feel that it doesn't serve any worthwhile purpose, and occasionally you will find some of them who do not come down.

But the program of electing our leadership at the caucuses - - the caucuses to elect our leadership - - have been conducted in the last three sessions at the Pre-Legisla-

tive Conference. If you do not attend you are giving up your opportunity to at least exercise your vote on the leadership. If you happen to run into a situation of a very close election, it could be that the leadership might be elected which might not be complimentary to your views.

As has been pointed out, and I have pointed out before, and this was discussed a couple of weeks ago, a National Legislative Conference Committee on Legislative Rules has reviewed many various areas of legislation and legislative procedure. In going through all of this I find that Maine is in conformity with a great many of these. We do have most of this. I do think that the decorum of our legislature which is covered in this is excellent.

This is one of the few areas that is covered, and surprisingly they are the first two recommendations in which it is recommended that early convening of the legislature be a factor. And it is done in a couple of states; Florida does it, and I understand very successfully; North Dakota does the same thing. And the comments that are made from both of these states is that this idea is successful.

I believe that the idea is workable and it is worthwhile. I do not believe there is any expense involved to it. I do believe that it will allow us to get a much better start when we come back in January. And I hope the motion to indefinitely postpone does not succeed.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I arise this morning to support the motion of the gentleman from Bridgewater, Mr. Finemore. I think he is right, we should give this bill a decent burial today. I disagree with Mr. Birt where he says it isn't going to cost the people of the State of Maine any money. On a Pre-Legislative Conference in which we all come down here for three days and we try to organize the House and the other body as far as our constitutional officers are concern-

ed, and the Speaker's chair, and so on and so forth, it costs the taxpayers approximately right around \$10,000.

Now this measure that Mr. Birt has here this morning, we come down for two weeks in December, which is a bad time of the year for a lot of people, it is going to cost the people roughly around \$60,000 — \$10,000 a day it costs to run this legislature. So I feel we can save the taxpayers a considerable amount of money here. I also feel that what we can accomplish in the three days at the Pre-Legislative Conference is entirely what Mr. Birt suggests we could possibly do in coming down here for two weeks in December. It creates a hardship on a lot of us.

I don't see where this bill has got too many merits, and I hope that the House this morning supports Mr. Finemore's motion.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I also signed the "ought not to pass" report and spoke to this same debate a few days earlier when we discussed it previously. I would just like to mention again that I think it is important that we not bring in a legislature for a lame duck Governor to preside at the same time.

I am kind of pleased at this point to see that some of my colleagues here in the House have come around in the intervening days to my point of view.

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

Mr. BIRT: Mr. Speaker and Members of the House: I would like to rebut just a little bit the comments that were made by the good gentleman from Bangor. As I understood him to say, we would be down here for a couple of weeks in December. The bill specifically says that we will be here for three days in December to take care of this. "The Legislature shall convene in regular session the second Wednesday of December biennially, for three days." Now when the comment is made that this would



be a cost of \$50,000, this is complete misrepresentation of facts, because our expenses and our mileage, these factors are already paid to us. So these would not be a factor. I honestly, and I have researched this in my own mind completely, cannot see where there is any appreciable cost involved in this. If the entire decision is based on cost, I am completely convinced in my own mind that if there are any costs they are very minimal.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very very briefly. We come down here for three days and we are busy the three days while we are here. We are coming down for the simple reason of preparing and getting ready for legislature and kind of helping the new members to go to see what the committees do. This takes us the whole three days. So I can't see where we would have time to do anything else in three days.

The SPEAKER: The Chair will order a vote. All in favor of the motion to indefinitely postpone this Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature, House Paper 206, L. D. 272, will vote yes; those opposed will vote no.

A vote of the House was taken. 92 having voted in the affirmative and 35 having voted in the negative, the motion prevailed.

Sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass"—Committee on Labor on Bill "An Act relating to Availability of Statistical Reports of Employment Security Commission" (H. P. 11) (L. D. 11)

Tabled—March 16 by Mr. Mills of Eastport.

Pending—Motion of Mr. Good of Westfield to accept Majority Report.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: This is my bill, and I have been tabling it for the purpose of getting a clarification statement. I now have that statement and I move that the House accept the motion of Mr. Good of Westfield.

Thereupon, the pending motion prevailed and the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act Creating the Maine Consumer Credit Code" (H. P. 1140) (Committee on Reference of Bills suggested Committee on Business Legislation)

Tabled—March 17, by Mrs. Payson of Falmouth.

Pending—Reference.

Thereupon, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The Chair laid before the House the seventh item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (4) "Ought to pass"—Committee on State Government on Bill "An Act to Place Full-time Deputy Sheriffs under Personnel Law" (H. P. 431) (L. D. 566)

Tabled—March 17, by Mr. Hensley of Norway.

Pending—Motion of Mr. Marsteller of Freeport to accept Majority Report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you well recall, we discussed this at length on Wednesday and sort of tentatively agreed on a procedure that we would follow. Somehow I am not sure how I sometimes get involved in some of these things. But here goes anyway.

We agreed that perhaps the best way to approach this was to

have this bill, with the other bill that has been referred to the County Government Committee, and so for that purpose, Mr. Speaker, I would move that we substitute the bill for the reports.

Thereupon, the Bill was substituted for the Reports.

On further motion of Mr. Martin of Eagle Lake, the Bill was referred to the Committee on County Government and sent up for concurrence.

The Chair laid before the House the eighth item of Unfinished Business:

**HOUSE DIVIDED REPORT** — Majority (9) "Ought not to pass" — Minority (4) "Ought to pass" — Committee on Judiciary on Bill "An Act Providing for Immunity to Licensed Ambulance Service Personnel in Emergency Cases" (H. P. 130) (L. D. 185)

Tabled—March 17 by Mr. Haskell of Houlton.

Pending—Acceptance of either Report.

On motion of Mr. Susi of Pittsfield, retabled pending acceptance of either Report and specially assigned for Wednesday, March 24.

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

**HOUSE DIVIDED REPORT** — Majority (8) "Ought to pass" — Minority (4) "Ought not to pass" — Committee on State Government on Bill "An Act relating to Leave of Absence for Legislative Service by Teachers" (H. P. 505) (L. D. 651)

Tabled — March 17, by Mr. Henley of Norway.

Pending — Motion of Mr. Farrington of Old Orchard Beach to accept Majority Report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like everyone to take a look at this bill. First, I am going to move for indefinite postponement of this bill and any papers pertaining thereto, and I want to speak to that motion.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves

the indefinite postponement of both Reports and Bill, and the gentleman may proceed.

Mr. HENLEY: Thank you, Mr. Speaker. Ladies and Gentlemen of the House: If you have this bill before you, you know you hear at various times in speaking about a bill various references about this little gem, and this so and so, and so on. This is a nice little piece of legislation for a certain class of people. I would like to pick it apart a little bit and tell you why I am moving for it to be indefinitely postponed.

It is a bill that we killed and buried very honorably two years ago, the very same bill. It is a bill which inserts a few words in the leave of absence authority for school teachers, and principals, or other regularly employed personnel. It also inserts the words "to serve in the Legislature." It refers to sabbatical leave for that classification of personnel; principals and other regularly employed personnel, approved by the board.

Somehow or other a certain group or a certain minority in a group of teachers — I don't think it is all school teachers — feel that somehow they are a preferred group of professionals, and that they should be subsidized for attending the legislature.

I maintain now, as I have right along, that they have no more right to subsidization of tax dollars than do our other professionals across the state. Of course, some will say that, I know, and will insist that they are obtaining knowledge here. I have been told that they should be allowed to be subsidized and be paid half pay in addition to the legislative pay, because they will only be able to do so once in seven years. And they will only be here for the session, then they will go back to teaching.

I have many faults to find with that. Supposing we only come down here for the purpose of learning. Aren't we down here for a different purpose than to come down here and learn? Aren't we supposed to be representing thousands of people back home? Aren't we supposed to have something in our background that allows us to

represent those people legislatively in formulating laws for state government? Are we down here just to learn? I say no. I say that this is a very unfair premise.

Now as far as the teachers coming down here for six months and getting paid half pay in the meantime, first I would like to say that I have been instrumental in my small way in improving the lot of school teachers in the State of Maine. I think all of us have. Not too long ago the base pay of school teachers in the State of Maine was such that we had quite a problem getting teachers. Now I understand from several school superintendents that that is no longer so, they have waiting lists.

We have a fairly good floor on our school teachers in the State of Maine. They make fairly good pay.

Furthermore, if you take an average pay of probably \$7,000, you add half of that, \$3,500 to the \$2,500 we get here, they are getting pretty good pay for six months' work it seems to me. I wonder how many of you ladies and gentlemen here who are perhaps a lot of you still have businesses; a lot of you are still professionals — we have several attorneys here and I know they are trying to carry on their business. I will bet you won't find any of them but what say they lose money down here during the session.

We have businessmen here that are losing money during the session. We have druggists; we have doctors; we have various others. We have store owners and managers; we have insurance men. Should we subsidize them if that is the case? Why we might put through a law subsidizing all of us, and making sure that we get half pay in addition to our legislative pay. One is as fair as the other.

It seems to me that at this present time, when there is such a problem with the cost of education in the State of Maine, as well as all over the country, that it is a very poor time for the teachers to attempt to bleed the taxpayers — and they are hard-earned, property tax dollars back home, to pay them half pay down

here during their legislative service.

Furthermore, I don't feel that it is such a definite hardship on teachers; with our retired teachers and our active teachers I believe we have 10 in the House right now. They are managing to get by. They look well fed. I don't think they are starving any more than the rest of us. Now if we open up the door to subsidization, I can imagine that there are many in our voluminous other state employees — and a teacher is a state employee — what about all the others?

I have a nephew, for instance, working for the Parks Division who is an engineer. I am quite sure that he would like to serve one winter in here to find out the workings of the legislature. His pay, and his work perhaps, depend upon it. If they pay him half of his engineer's salary while he was here receiving our salary, I am sure the Highway Department might have a lot of people that would like to come here at half pay while they drew legislative pay.

They will tell you that sabbatical leave is something that is quite a privilege, and it is a good many times that this sabbatical leave is used for purposes which are far less of value than serving here. I can entirely agree with them. That doesn't say I agree with all of the purposes they put to sabbatical leave. I have known a good many people that took sabbatical leave and had a grand ball for themselves all over the world. It doesn't say I approve of it.

But this here I do have something to do with, and I do take exception, I believe we have over 10,000 teachers in the State of Maine. This idea that they would only be coming once every seven years, even if they came, doesn't really mean anything when we have so many teachers. If we can subsidize them to the point of where they can get half of their teacher's pay, or half of their superintendent's pay, or whatever it is, then come here and get legislative pay, I think there is going to be a lot of them a lot more

interested. I believe they will agree with me on that.

I don't believe that the State of Maine would be properly served with a cross section of the residents of the State of Maine if we have the House of Representatives and the Senate loaded with school teachers. I am quite sure that they might like it, but I don't believe that the citizens of the State of Maine would be properly represented.

Now legislative service, as we have it here, we have resisted annual sessions, we have gone into that. We have resisted this and that and the other. We have resisted high professional pay. We have tried to stay out of professionalism as far as our legislature is concerned, and I agree. It has to be a dedicated service then. For most of us do not come down here for the pay we get. So I don't presume that teachers would, or that lawyers would, attorneys, insurance men, or anyone else. They have to be partly dedicated to serving their state. They have got something they would like to do for their people to represent them. And I would like to see all professions have that same dedicated idea.

I am quite sure that a great majority of the school teachers of the State of Maine, if they think of this thing the same way as I have presented it, will agree that it would be an unfair approach for them to use to get half pay and other professionals not be able to, or other state employees.

I believe I have covered the subject about as well as I know how on this. I appeared before the committee, and I believe I was a little bit more forceful before the committee in what I called this bill. But I hope the House will go along with me in indefinitely postponing this bill, and really killing it for another session.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: I am waiting on some additional research and I would ask someone in the House if they would be kind

enough to table this for one legislative day.

Whereupon, Mr. McCloskey of Bangor requested that the Bill be tabled for one legislative day.

Mr. Henley of Norway asked for a division on the tabling motion.

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

A vote of the House was taken. 33 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is indefinite postponement of both Reports and Bill.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to state at the outset that I am not a member of the MTA, nor do I intend to join Dr. Marvin's union in the near future; nor will I personally gain from this bill now or in the future. My concern is for teachers of government who are selected on a local level — this is local option, after seven years in a system, to attempt to be elected to the Legislature, so that they can come back into their system and offer more to their students in practical government.

Under existing law the teacher can be selected to go on sabbatical leave, to travel or to study. My bill simply adds legislative service to those mentioned. There is no new money involved because local teachers and school boards decide in negotiations whether they concur on sabbaticals being included in their contracts.

In other words, it is strictly a local problem to be worked out, with the bill allowing school boards to grant leave for legislative service if they see merit in it. I urge your support. I urge that you support the majority of the Committee on State Government who support this particular piece of legislation. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Norway, Mr. Hen-

ley, that both Reports and Bill "An Act relating to Leave of Absence for Legislative Service by Teachers," House Paper 505, L. D. 651, be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken. 100 having voted in the affirmative and 25 having voted in the negative, the motion did prevail. Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass" — Minority (5) "Ought not to pass" — Committee on State Government on Bill "An Act relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees" (H. P. 543) (L. D. 715)

Tabled—March 17, by Mr. Marstaller of Freeport.

Pending — Acceptance of either Report.

On motion of Mr. Marstaller of Freeport, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

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

Bill "An Act to Limit the Taking of Smelts in the Eastern River in the Town of Dresden to Hook and Line" (H. P. 413) (L. D. 540)

Tabled—March 17, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and specially assigned for Tuesday, March 23.

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

Resolution Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (H. P. 207) (L. D. 273)

Tabled—March 17, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

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

House Order relative to Portrait of Hon. Nathan A. Farwell.

Tabled—March 18, by Mr. Martin of Eagle Lake.

Pending — Passage.

Thereupon, the Order received passage.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought to pass" — Minority (3) "Ought not to pass" — Committee on Transportation on Bill "An Act Removing Tolls from Bangor-Brewer Bridge" (H. P. 16) (L. D. 25)

Tabled — March 18, by Mr. Porter of Lincoln.

Pending — Motion of Mr. Kelleher of Bangor to accept Majority Report.

On motion of Mr. Kelleher of Bangor, retabled pending his motion to accept the Majority "Ought to pass" Report and specially assigned for Wednesday, March 24.

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

HOUSE DIVIDED REPORT — Majority (12) "Ought not to pass" — Minority (1) "Ought to pass" — Committee on Transportation on Bill "An Act relating to Riding in Trailers" (H. P. 471) (L. D. 599)

Tabled — March 18, by Mr. Simpson of Standish.

Pending — Acceptance of either Report.

On motion of Mr. Simpson of Standish, retabled pending acceptance of either Report and specially assigned for Wednesday, March 24.

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

Bill "An Act Providing for Presidential Preferences in Prim-

ary Election" (H. P. 62) (L. D. 103)

Tabled — March 18, by Mr. Susi of Pittsfield.

Pending — Motion of Mr. Bragdon of Perham to indefinitely postpone House Amendment "A" (H-55)

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think the membership knows my feelings on this measure. However, there are two key members who are for this thing — one, the sponsor and two, one of the strong proponents, who are both absent. I didn't know that they would be absent and I called off an appointment that I had that would have made me absent, to be here this morning. However, out of fairness to these people — I know that we want to rid the calendar, Mr. Speaker, of some of these items, but out of fairness to the sponsor and one of the key proponents of this measure, even though I am against it very strongly, I would ask that somebody would table it so we could give it its proper burial on Tuesday.

Whereupon, on motion of Mr. Finemore of Bridgewater, retabled pending the motion of Mr. Bragdon of Perham to indefinitely postpone House Amendment "A" and specially assigned for Tuesday, March 23.

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

Bill "An Act relating to Reporting of Motor Vehicle Accidents" (H. P. 1206) (L. D. 1267)

Tabled—March 18, by Mr. Porter of Lincoln.

Pending — Passage to be engrossed.

Mr. Hewes of Cape Elizabeth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-58) was read by the Clerk and adopted and the Bill was passed to be engrossed as amended and sent to the Senate.

Mr. Lucas of Portland was granted unanimous consent to address the House.

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: I wish to bring to your attention that a member of this distinguished body was duly recognized on Wednesday, March 17, 1971, St. Patrick's Day, by St. Brendan's Society as the "Man of the Year." A native of Ireland whose birthplace was in a neighboring county to the birthplace of my great grandfather. He came to Portland in 1923 and has resided there since.

Upon retirement this very well liked gentleman from the Forest City decided to carry out the Irish tradition and enter public service. He was duly elected by his fellow citizens to the 105th Maine Legislature of his adopted state.

I am speaking of the Honorable John Slane and speak to my colleagues here today, knowing they too would appreciate knowing and acknowledging the honor bestowed upon him recently. Thank you. (Applause)

On motion of Mr. Porter of Lincoln.

Adjourned until Tuesday, March 23, at ten o'clock in the morning.