

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

Wednesday, March 31, 1971

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

Prayer by the Rev. Mr. Perley Kelley of Lincoln.

The journal of yesterday was read and approved.

Papers from the Senate

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

Reports of Committees**Ought Not to Pass**

Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Hours of Sale under Liquor Laws" (S. P. 346) (L. D. 1015)

Report of the Committee on State Government reporting same on Resolution Proposing an Amendment to the Constitution Concerning the Age of State Senators (S. P. 166) (L. D. 488)

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

Leave to Withdraw

Report of the Committee on Legal Affairs on Bill "An Act Exempting Motion Picture Projectionist from Liability under Regulation of Motion Pictures for Exhibition to Minors" (S. P. 114) (L. D. 293) reporting Leave to Withdraw.

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to Definition of Wholesaler under Liquor Laws" (S. P. 360) (L. D. 1056)

Report of same Committee reporting same on Bill "An Act relating to Machines or Mechanism for Amusement or Entertainment on Liquor Licensed Premises" (S. P. 361) (L. D. 1057)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

Ought to Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act

relating to Changes of Fishing Regulations by the Legislature" (S. P. 321) (L. D. 935)

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Fisheries and Wildlife on Bill "An Act Permitting the State Park and Recreation Commission to Sell Snowmobile Trail Marking Signs and Charts" (S. P. 219) (L. D. 665) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-45) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Amended in Senate

Report of the Committee on Legal Affairs on Bill "An Act relating to Aids to Navigation and Regulatory Markers and Removal of Hazards for Safe Passage of Watercraft" (S. P. 116) (L. D. 295) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "B".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-32) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-48) was read by the Clerk and adopted in concurrence.

Tomorrow was assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (S. P. 284) (L. D. 840)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
WYMAN of Washington
— of the Senate.
Messrs. DONAGHY of Lubec
MARSTALLER of Free-
port
STILLINGS of Berwick
CURTIS of Orono
HODGDON of Kittery
— of the House.

Minority Report of same Committee on same Resolution reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. CLIFFORD
— of Androscoggin
— of the Senate.
Mr. STARBIRD of Kingman
Township
Mrs. GOODWIN of Bath
Messrs. FARRINGTON
— of Old Orchard Beach
COONEY of Webster
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I move that the Majority "Ought not to pass" Report be accepted.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House accept the Majority "Ought not to pass" Report.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would hope that you would defeat the present motion. I signed this bill for a number of reasons "Ought to pass." I think really we should be debating just two central issues this morning: whether we want the Attorney General to be elected by the people

or we want him to be appointed by the Governor.

And of these two, I prefer the one that is under discussion right now. I do it for several reasons. First of all I think that if we were to elect him popularly we would be adding unnecessary politics to an office that should not be politically encumbered. The political parties right now are under considerable strain financially, and I think that this office, were it to be popularly elected, would add considerable additional burden to both political parties.

Finally, I do not feel that our chief law enforcement officer should be someone who would owe or could possibly owe any favor to any private group that might contribute to his campaign. And finally, I think it is wise governmentally to have a unified executive branch, a branch where the Governor can select those people whom he is going to work with.

So I would urge you this morning to oppose the present motion and then accept the motion to go along with the Minority "Ought to pass" Report. Thank you.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I think about the only answer that is needed on this, the proponents of the bill definitely stated that we should have a man in the Attorney General's office who is the Governor's man. Now this could be a Republican or a Democrat, but the majority of the committee, and I hope those in the House, will feel that the man in the Attorney General's office should be nobody's man. He should be taking care of the interests of the public of the State of Maine, all its citizens, and all its taxpayers. And I would hope you would go along with the original motion. I request a division.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am extremely pleased to hear the Chairman of the State Government Committee tell us that

the Attorney General ought to be no one's man. I agree that the Attorney General ought to be the peoples' representative.

I have been concerned with that problem, and I am concerned about it today. I think that many of us of both political parties have been concerned with the problems that are created when you have a Governor of one political party and an Attorney General of another political party; and for that matter going one step further, when both of them have campaigned against one another it makes it that much more difficult, regardless of politics, regardless of party, in any attempt of arriving at a point of compromise or cooperation.

This, I think, in part is not due, or is not caused perhaps by parties as much as it is sometimes caused by personalities. I think personally, and speaking for myself, I think I would feel much better if the Attorney General were indeed appointed by the Governor, since the Governor is after all the people's Governor, and he is and ought to be responsible for everyone within state government.

I think, of course, that if we can't get this, then any system is better than what we have got now. I would hope that you would vote against the motion of accepting the Majority Report, and when the vote is taken, Mr. Speaker, I would ask that the vote be taken by the yeas and nays.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I do not believe at the present time that we have conclusive evidence in support of such a change, and I would hope that you support the motion before us, the "Ought not to pass" Report. Thank you.

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

A vote of the House was taken, and more than one fifth of the

members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that L. D. 840, that the House accept the Majority "Ought not to pass" Report in concurrence. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YES — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Clark, Collins, Cote, Crosby, Cummings Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dudley, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hanson, Hardy, Haskell, Hawkens Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NO — Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Carrier, Carter, Clemente, Conley, Cooney, Cottrell, Curran, Cyr, Dow, Doyle, Drigotas Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Pontbriand, Rocheleau, Sheltra Slane, Smith, E. H.; Starbird, Tangway, Theriault, Vincent, Webber, Wheeler.

ABSENT — Carey, Dam, Dyar, Norris, Orestis, Santoro, Simpson, L. E.; Smith D. M.; Whitson.

Yes, 82; No, 59; Absent, 9.

The SPEAKER: Eighty-two having voted in the affirmative, and fifty-nine in the negative, with nine being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act Providing for Scholarships for North American Indians Residing in Maine" (H. P. 260) (L. D. 342) on which the House accepted the Majority Report of the Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" on March 25.

Came from the Senate with the Minority Report reporting "Ought to pass" as amended by Committee Amendment "B" accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" in non-concurrence.

In the House:

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

Mr. BITHER: Mr. Speaker, I move that we insist and ask for a Committee of Conference and I would like to speak briefly to my motion.

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

The gentleman may proceed.

Mr. BITHER: Mr. Speaker and Members of the House: This bill when it came up before I tried to explain, and did I think explain to you, the difference between amendment "A" and amendment "B".

I knew that the deck was stacked against me because the people who signed the Minority Report came from that other body way down the hall somewhere, so that I knew just what would happen.

But Committee Amendment "B" leaves out the scholarships for secondary students. Now I would like to tell you once again that everyone that I have talked to, including the registrars of our various colleges and the people who look after education of Indians over here in the state department believe that the place to stop drop-outs with our Indian youth is with our secondary students.

So I would hope that we can do something about retaining

Committee Amendment "A". Thank you.

The SPEAKER: Is it the pleasure of the House to insist and ask for a Committee of Conference? Those in favor will say aye; those opposed will say no.

A viva voce vote being taken, the motion to insist and ask for a Committee of Conference did prevail.

(Off Record Remarks)

Petitions, Bills and Resolves Requiring Reference

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

Public Utilities

Bill "An Act relating to Vacancies in the Trustees of Mapleton Sewer District" (H. P. 1234) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Bourgoin of Fort Kent, it was

ORDERED, that Bernadette Nadeau, Louis Albert and Theresa Flourde of Fort Kent be appointed to serve as Honorary Pages for today.

Tabled and Assigned

Mr. Drigotas of Auburn presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the State Controller supply for the use of the Legislature 200 copies of a list of state employees with their salaries paid as of January 1, 1971, 160 of the said copies to be deposited in the Office of the Clerk of the House and 40 of the said copies to be deposited in the Office of the Secretary of the Senate; and be it further

ORDERED, that said list be distributed one to each Member of the House of Representatives and Senate and the balance to the Clerk of the House and Secretary of the Senate for such distribution as they may see fit.

(On motion of Mr. Birt of East Millinocket, tabled pending passage and tomorrow assigned.)

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

Mr. BIRT: Mr. Speaker, I would ask if House Paper 952, L. D. 990, is in the possession of the House?

The SPEAKER: The answer is in the affirmative. An Act relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition, House Paper 952, L. D. 990, is in the possession of the House, having been recalled from the Governor by Joint Order H. P. 1229.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action of March 19 whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of March 4 whereby the Bill was passed to be engrossed.

Mr. Birt of East Millinocket then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-88) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: Briefly to explain what I have done, and to clear up any questions that there might be in anybody's mind, this bill was recalled from the Governor's office last week due to the feeling that it might make exceptions to one class of party as against another. And the point that was made at that time was that the person filing independently had to file his nomination papers at the same time as every other candidate, but it did not provide any provisions — or there were no provisions for the write-in of independent candidates.

This has been discussed since that time with members of both parties on the Committee on Election Laws. I have also discussed it with the executive secretary of the Governor to see if this was in agreement with all of the people involved.

The second paragraph of this, which would be the basic change, indicates that persons filing as independent candidates must file in the Office of Secretary of State prior to 9:00 p.m. on the date of the primary election.

Now the reason that we put the 9:00 p.m. in there, this is the time for the mandatory closing of the polls, at 9:00 p.m. The Secretary of the Senate was in concurrence with this, it was actually his suggestion. His office is kept open on election days until 9:00 p.m., until the polls are all closed, so that if any question might come up by election people in the various municipalities they would be able to get the information from his office. At the time that the polls close, of course then the office would be closed.

But this would make it so that it is clear that there is not even a minute's difference between the write-in possibilities and the filing possibilities of the independent candidate. We feel that this eliminates any possibility of distinction between one or the other, and it seems a reasonable amendment. I would hope that this will be in agreement with the members of the House.

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

Mr. McCloskey of Bangor was granted unanimous consent to address the House.

Mr. McCLOSKEY: Mr. Speaker, Ladies and Gentlemen of the House: I opposed this bill when it was first sent to be engrossed and still oppose it now that it has come back. As I pointed out at the time, I think that this really discriminates against the possibility of independent candidates. I am not championing any independent candidate's cause. I feel that they pose no threat to either party at this present time. And again, what we are doing is shutting off the democratic process.

As I understand it, this amendment now causes independent candidates to file their petitions on June 15 rather than April first. So

the people did realize that April first, the date was too early.

Again I would say that this does not present an opportunity for the issues of the people who would be running in an election to have crystalized at that time and I still think it discriminates against independent candidates, which I don't see any need of discriminating against at this time.

When this bill comes up for enactment I will speak against its passage.

(Off Record Remarks)

Thereupon, on motion of Mr. Martin of Eagle Lake, recessed until the sound of the gong.

After Recess

Called to order by the Speaker.

The following papers were taken up out of order by unanimous consent.

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

Mr. Wight from the Committee on County Government reported "Ought to pass" on Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-one and Nineteen Hundred and Seventy-two (H. P. 1233) (L. D. 1520)

Report was read and accepted and the Resolve read once.

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

**Senate Report of Committee
Divided Report**

Majority Report of the Committee on Judiciary to which was referred the initiative petitions relative to a bill entitled "An Act Repealing the "Maine Income Tax Law" (I. B. 1) have had the same under consideration and asks leave to report that 814 petitions were filed with the Secretary of State on February 18, 1971 at 11:00 a.m., containing 41,348 signatures; that 801 petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the

Constitution and that said petitions contain the valid signatures of 36,775 electors; that the Committee found 13 invalid petitions and also found 4,573 invalid signatures.

The majority of the Committee further reports that the petitions and signatures contained therein are valid and sufficient in number and that said bill is properly initiated for the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution, and that said bill be referred to the Committee on Taxation.

Messrs. TANOUS of Penobscot

QUINN of Penobscot

—of the Senate

Messrs. HENLEY of Norway

PAGE of Fryeburg

Mrs. WHITE of Guilford

Mrs. BAKER of Orrington

Messrs. LUND of Augusta

CARRIER of Westbrook

HEWES of Cape Elizabeth

Mrs. WHEELER of Portland

— of the House

Minority Report of same Committee on same initiative petitions and bill reporting that they do not have sufficient knowledge and information upon which to form a belief as to the validity and sufficiency of the signatures on the petition.

Mr. HARDING of Aroostook

— of the Senate.

Messrs. KELLEY of Caribou

ORESTIS of Lewiston

— of the House

Came from the Senate with the Majority Report accepted, the petitions ordered placed on file in the office of the Secretary of State, the Initiated Bill No. 1 referred to the Committee on Taxation and ordered printed.

In the House: Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority Report was accepted in concurrence, the petitions ordered placed on file in the office of the Secretary of State and the Initiated Bill No. 1 referred to the Committee on Taxation in concurrence.

Tabled and Assigned

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage: (H. P. 1241)

WHEREAS, the Legislature has determined that Initiated Bill (1) entitled "AN ACT to Repeal the Maine State Income Tax" has been validly initiated pursuant to Article IV, Part Third, Section 18, and

WHEREAS, the Legislature proposes to neither enact or reject the Initiated Bill and proposes that the measure be referred to the people without a competing measure at the earliest possible date, and

WHEREAS, the revenue for the operation of State Government and source thereof is of extreme importance to the 105th Legislature, and

WHEREAS, the 105th Legislature desires to fulfill its constitutional duties under Article IV, Part Third, Section 1, during this regular session;

NOW THEREFORE, BE IT ORDERED, the Senate concurring, that the Secretary of State is hereby directed to hold a referendum on Initiated Bill (1) within sixty (60) days of the passage of this Order. The referendum shall be conducted pursuant to the requirements of Title 21 MRSA Section I et. seq. Pursuant to Article IV, Part Third, Section 20 the Legislature hereby orders that the question on the ballot shall appear as follows:

Shall the Maine State Income Tax be repealed? Yes No

Whereupon, on motion of Mr. Porter of Lincoln, tabled pending passage and tomorrow assigned.

Tabled and Assigned

Mr. Porter of Lincoln presented the following Order and moved its passage:

WHEREAS, it appears to the Members of the House of the 105th Legislature that the following is an important question of law and the occasion is a solemn one, and

WHEREAS, a Bill, Initiated Bill (1) entitled "AN ACT to Repeal the Maine State Income Tax" has been determined by the Legislature to be validly initiated pursuant to Article IV, Part Third, Section 18, of the Maine Constitution, and

WHEREAS, the Legislature proposes to neither enact nor reject

the initiated bill and proposes that it be submitted to the people without a competing measure at the earliest possible date, and

WHEREAS, the Petitioners in each and every petition have made the following request, "The undersigned electors further request that should the Legislature not enact said measure without change, that said measure be referred to the people at a Special Election, ordered by proclamation of the Governor, to be held not less than four (4) nor more than six (6) months after such proclamation and that such proclamation shall be made not less than ten (10) days after the recess of the Legislature", and

WHEREAS, the House considers it of extreme importance to know whether said Initiated Bill will be enacted or rejected by the people, in order that the Legislature may fulfill its constitutional duties during this regular session to raise and appropriate monies to operate State Government under Article IV, Part Third, Section 1, and

WHEREAS, a Joint Order has been introduced into the House (H. P. 1241) ordering and directing the Secretary of State to hold a referendum on said Initiated Bill within sixty (60) days after the passage of the Joint Order (Exhibit A),

NOW, THEREFORE, BE IT ORDERED, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are respectfully requested to give the House an opinion on the following question:

I.

Does the Legislature have the authority pursuant to Article IV, Part Third, Section 18 of the Constitution which in part states: "The Legislature may order a special election on any measure that is subject to a vote of the people", to order a special election on Initiated Bill (1), "AN ACT to Repeal the Maine Income Tax" despite the request of the Petitioners?"

II.

If the answer to question number I is in the affirmative, may

the Legislature set the date for the referendum and direct the form of the ballot with the attached Joint Order?

The SPEAKER: Pursuant to House Rule number 41, this will lie upon the table until the next legislative day pending passage.

House Reports of Committees Ought Not to Pass

Mr. Littlefield from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act relating to Interest, Restrictions and Method of Computation under Small Loan Agency Law" (H. P. 551) (L. D. 727)

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

Leave to Withdraw

Mr. Carey from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds to Improve the Wiscasset Airport" (H. P. 902) (L. D. 1240) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Maddox from the Committee on Business Legislation on Bill "An Act Authorizing Emergency Closing of Financial Institutions" (H. P. 732) (L. D. 994) reported same in a new draft (H. P. 1239) (L. D. 1525) under same title and that it "Ought to pass"

Mr. Haskell from the Committee on Education on Bill "An Act relating to a Transfer of Municipalities from One School Administrative District to Another" (H. P. 642) (L. D. 872) reported same in a new draft (H. P. 1235) (L. D. 1521) under same title and that it "Ought to pass"

Mr. Lawry from same Committee on Bill "An Act relating to Approval of Schools Enrolling Non-resident Pupils" (H. P. 644) (L. D. 874) reported same in a new draft (H. P. 1236) (L. D. 1522) under title of "An Act relating to Approval of Schools Enrolling Out-of-State Students" and that it "Ought to pass"

Same gentleman from same Committee on Bill "An Act relating to School Administrative District Elections" (H. P. 647) (L. D. 878) reported same in a new draft (H. P. 1237) (L. D. 1523) under same title and that it "Ought to pass"

Mr. Emery from the Committee on Legal Affairs on Bill "An Act relating to Precautions at Railroad Crossings" (H. P. 354) (L. D. 463) which was recommitted, reported same in a new draft (H. P. 1240) (L. D. 1527) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Sheltra from the Committee on Business Legislation on Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies" (H. P. 552) (L. D. 728) reported "Ought to pass" as amended by Committee Amendment "A" (H-86) submitted therewith.

Mr. Woodbury from the Committee on Education on Bill "An Act relating to Reimbursement Rates for Transportation and Special Educational Expenditures" (H. P. 587) (L. D. 782) reported "Ought to pass" as amended by Committee Amendment "A" (H-87) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Divided Report

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Create a School Administrative District in the Town of Madawaska" (H. P. 641) (L. D. 871)

Report was signed by the following members:

Messrs. KATZ of Kennebec
CHICK of Kennebec
MINKOWSKY
of Androscoggin
— of the Senate.
Messrs. MILLETT of Dixmont
HASKELL of Houlton

TYNDALE

of Kennebunkport
 WOODBURY of Gray
 SIMPSON of Standish
 LAWRY of Fairfield
 LUCAS of Portland
 LYNCH

of Livermore Falls
 — of the House.

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

Report was signed by the following members:

Messrs. BITHER of Houlton
 MURRAY of Bangor
 — of the House.

Reports were read.

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

Mr. MILLETT: Mr. Speaker, I would move the acceptance of the Majority "Ought not to pass" Report and speak to my motion.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, moves the acceptance of the Majority "Ought not to pass" Report, and the gentleman may proceed.

Mr. MILLETT: Mr. Speaker, Ladies and Gentlemen of the House: This is the first of two single town SAD bills before us this legislature. There are also several other bills which deal with the School Administrative District formation process. I would call your attention to one in particular which some of you are aware of by number only at this time, L. D. 1293, which would have a great deal to do, I believe, with the future of school administrative districting.

Now to restrict my comments to the bill before us, I would point out to those of you who were here in the 104th, that this is a similar bill to a bill introduced in the Special Session of 1970 by the distinguished Minority Leader at the time, the gentleman from Madawaska, Mr. Levesque. It is extremely difficult for me to debate against the motives of such gentlemen as that gentleman and the gentleman who is the sponsor of this bill this year. I have a great deal of respect for the people in Madawaska and the Representatives that they send to this House.

This bill, in specific terms, would allow for the voters in the Town of Madawaska to form a single town School Administrative District, with all the privileges that the various other 76 Districts have.

In order for me to analyze why I think you should vote to accept the Majority "Ought not to pass" Report, I would like to analyze the School Administrative District philosophy in three areas. I see that there is a certain category of incentives to SAD formation. There are also some goals. And thirdly, there are some requirements.

In the area of incentives, you are all familiar with the ten percent operating bonus. The ten percent bonus is a very attractive feature to any community such as the size of Madawaska. In order to qualify for a bonus, which at the present time would be in the vicinity of \$27,000, just by merely being a School Administrative District.

The second incentive is the offering of construction need. I would point out that this is not even an issue here this morning. The Town of Madawaska has an excess of 500-pupil high school and it is therefore already qualified for construction aid.

The third incentive is that of increasing the debt limit of a school district as far as borrowing is concerned. I don't believe that this is a problem in Madawaska because they have a relatively high state evaluation and are practically able to build as they need; in fact, their facilities are in good shape.

Now if I go to the next category, which I call the goals of a School Administrative District, I would say that they are designed, and many of you were here when the Sinclair Law was written, to promote educational efficiency, and in line with that, the efficient use of public funds. Now I can see no way that I could criticize the Town of Madawaska in meeting either one of these goals. I feel they are operating efficiently. I think they are making wise use of public funds both at the local and the state level.

Finally, I would talk about the added requirements of an SAD. The two major ones are the mandatory kindergarten feature and the mandatory secondary transportation feature. At the present time Madawaska is doing both.

So you see, ladies and gentlemen, what I am saying is they are doing everything, as far as I am concerned, about the way it should be done. About the only thing they are asking you for here today is to become qualified as a School Administrative District primarily, I believe, to qualify for the ten percent operating bonus which would be in the vicinity of \$27,000 per year.

I think that they have a good program. I don't think that this is the time to talk about a single town School Administrative District for the Town of Madawaska.

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

Mr. CYR: Mr. Speaker, Ladies and Gentlemen of the House: It is true that the last Special Session the Legislature turned down the single Administrative District for Madawaska, but they also recommended that Madawaska should try to join SAD 33 which comprises Frenchville and St. Agatha. They more or less implied that if they did that that they would abide by the decision.

Last November the three Towns of Madawaska, Frenchville and St. Agatha did run a referendum. The vote was 187 to 18 against SAD 33 of joining Madawaska. And the vote in Madawaska was unanimous. Now the reasons for this attitude of these three towns, the major reasons are the distances involved and also the financing. Madawaska would have to absorb 92 percent of the costs.

As far as distances are concerned, Madawaska is in a unique position in being a double township. Therefore, we are fighting geography; we are fighting distances. And the settling of Madawaska, the urban — the settlement of Madawaska is in the northwest corner of the township and the rural area is in the southeast, which means that today we are bussing approximately 16 miles

a day or 32 miles round trip for these youngsters in the rural area.

Now if we were to join with SAD 33, it would mean an additional 8 miles if some of these children would be assigned to Frenchville, and an additional 12 miles to St. Agatha if some of these children would be assigned to that school. That means that some of these children would have to travel 40 to 50 miles a day to school. And it is for that reason that it was turned down. So this leaves us in an isolated position.

To the east of us is Grand Isle, which is 10 miles away, and they are already part of SAD 24 with Van Buren. To the north of us is Canada and Canada doesn't want us. To the south of us is Long Lake, and that leaves only to the west which is Frenchville and St. Agatha. And I have just explained to you what happened.

Madawaska itself has a very good school system. We have in the high school over 600 students. In the Junior-Senior High School complex, we are over 900. So we are in a good position as far as size is concerned.

Our reason for forming an Administrative District is not to obtain from the state more construction aid. We have recently finished a — I say recent, within four or five years, we have finished a Junior-Senior High School complex which is very modern and would take care of our growth for the next fifteen years. We have also modernized and renovated the rest of our school buildings, and we are carrying an approved curriculum and have led the way on salary schedules.

Our school system, as just mentioned by Representative Millett, is in very good shape, and we have always in our town given top priority to education. In fact, today more than sixty percent of our budget goes for schools. So it makes it difficult for us to understand why the Education Department wants to deny us our request to form a single district where there is no other way to go, so that we can comply with the intent of the Sinclair Act.

When the Sinclair Act was conceived, the philosophy of organizing communities together to form workable and economical units had merits. The concept of having the richer communities help the poorer communities was also endorsed by all for the sake of better education. That concept, however, doesn't hold any more, because at that time it was to take from the rich communities to help the poor communities. Now we are all poor; we are all in the same boat.

Many communities such as Madawaska, with high state valuation and receiving minimum subsidies, have had to dig pretty deep in their pockets to help to raise their share of state money, and then in return be discriminated when the goodies are passed around.

Most of the communities that have stayed outside of Administrative Districts have had to improve the education in their system with minimum help from the state. All of these communities have now reached the point when they cannot carry the load any further. The Education Department has got to do some "soul searching" and introduce flexibility in their decisions. If Administrative Districts are to improve the status of education in Maine, they should change their dictatorial and arbitrary attitude and accept the formation of these Districts on the merits of the case.

I am told that this is a test case. If you are in the same boat or believe in the merits of our case, you should help me to turn down this "ought not to pass" report.

Many members of the Education Committee, in fact, have told me that they are in sympathy with our bill. But they would like to know the mood and the feeling of the House, and this is why they have come out with the divided report. And I am certainly thankful to the two members of the committee that have signed that Minority Report and gave us the chance to debate it here on the Floor.

If you believe that the attitude of the Education Department should be more flexible, and they should decide these cases on the merits of the case and not on the

philosophy, then you should support me in turning down this "ought not to pass" motion, and at the same time help me to send a tremor through the Department of Education that will be heard throughout the State of Maine.

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

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker and Ladies and Gentlemen of the House: I didn't realize when I voted against the Madawaska single district two years ago that we were asking them to see what they could do with the surrounding towns. However, I note that the good representative from Madawaska did say that Madawaska's vote was unanimous. If I remember correctly it was unanimous against joining a district, which didn't indicate that they were too willing to go into it.

In the hearing it turns out that Madawaska is not in dire financial straits, and it is now receiving state aid, and its program is not deficient in any way. In fact, in many ways it is superior to what is offered throughout the state.

Personally, I feel if we are to reach the goal of an adequate, if not equal, education for all of our young people we must not squander our limited resources in areas where an unwillingness has been indicated, to help the less fortunate communities. The SAD idea certainly may not be perfect, not in my opinion, or probably in the majority of the people sitting here. It can be aggravating, it is aggravating. But again in my opinion, it has been beneficial in the overall educational level here in the state, and I hope that we support its concept by accepting the Majority "Ought not to pass" Report. Thank you.

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

Mr. BITHER: Mr. Speaker and Members of the House: I truly set up last night long hours and wrote a lengthy speech, and I am going to throw it away, because I am all shook up. I am truly

shook up because when one of the members of this House approached me and said "Good God . . ." — is it proper to say good God? I don't know. He said, "Good God, Bither, why did you ever sign that minority report?"

Now I signed it because I believe in the philosophy of this thing, the right of towns to decide their fate. Now I am also shook up because one of the principal objections to this bill by my good friend and very fine gentleman, Mr. Millett, is that all they want this for, or all this would do for Madawaska, is to give them more money. I think that is wrong. I think Madawaska is just simply asking for their share of the money — their share of the money. Not something that doesn't belong to them, but just their share of the money.

This is a matter, I think, of philosophies; two philosophies involved. Shall a town be allowed to decide for itself the educational system that it may want? Do we say that they don't know what they want? What is good for them? Only we know what is good for these places, these areas, these towns?

Now when I say we, ladies and gentlemen, I don't mean the Department of Education, I don't mean the State Board of Education; I mean the various legislatures of the State of Maine that have passed these laws in the times past. Secondly, should we or should we not allow a town to settle its own problems, its own destiny, right or wrong, whether this is right or whether this is wrong?

I picked up a very interesting book the other day called the State of Maine Laws Relating to Public Schools. This is a copy that is widely circulated, and I think the new edition is 1968. This is the edition of 1961, and under Article VIII of the Constitution of Maine there is a preamble to Article VIII, and I believe I have been told that this is the only preamble explanation in the whole Constitution. This is called Literature, and I am just going to read a sentence or two. "A general dif-

fusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make provisions, at their own expense, for the support and maintenance of public schools;" and it goes on and on and on.

Sometime this would be very interesting for you to read this. And all I am saying here, Mr. Speaker and Ladies and Gentlemen, is that this was written incidentally in 1819. And according to Dr. Chadman, who wrote the History of the Education of Maine, now this may be fact and this may be a legend, I don't know — but this, according to my information, this preamble to Article VIII was put in there, obtained at the instigation of our first Governor William King, and no less a personage than Thomas Jefferson wrote this preamble, if you will, to Article VIII of our Constitution.

Now since that time we have been going on that basis that it is up to the towns to form their schools, they must form schools. And I am not going to go on and on and on, because I told you I was going to throw my speech away, and I am. But later on we came up with these SAD's, and the SAD's said, "You towns, you areas may join together, you may join together." And they held up prizes, if you join you get these prizes, and if you don't join you won't get those prizes. I claim that that is not a very good philosophy. I claim we are putting this on a dollar and cents basis, and it is wrong.

Is this good educational policy? Is this for the improvement of the educational opportunities of our children? Well, we have formed our SAD's. Every year in the legislature we have three or four bills come in where SAD's are dissatisfied, where they are having trouble. I don't know the answer to that. I am not going to try and go into that at all.

We have problems about size of these schools. There is no prob-

lem here with Madawaska at all as far as that is concerned. They are just simply asking for their just dues.

Now I have heard a lot in this House in the last few days, the last week — and I don't care whether we were talking about hunting coon, shooting coon out of a tree, or we were talking about the dog bill, Mr. Speaker — we have talked about various things, and we have used the word local option, self determination. I don't know how many times I have heard home rule thrown at me.

Now here is a chance for you people to decide whether you believe what you have been talking about. Do you believe in home rule? Do you believe that an area has any right to determine what it shall do so far as its educational opportunities are concerned? I go along with the gentleman from Madawaska, and I hope you defeat the motion to accept the "Ought not to pass" Report.

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

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: I signed the Majority "Ought not to pass" Report because I felt that the creation of a single member district in Madawaska would be unfair to those towns which have joined in the past few years into districts. It would in fact stifle the very initiative that exists under the intent of the original Sinclair Act. And thirdly, it would create an avalanche of single member district applications to this body.

I do not believe that this is a test case. The City of Portland applied for a School Administrative District designation in the last Legislature, and this was denied. I would contend that if you create a single member district in Madawaska that you will create an avalanche of other towns and cities within the state for the same priority treatment. I would ask you to support the Majority "Ought not to pass" Report. There are a couple of other bills pending before the Legislature which would tend to deal with this

situation that the good gentleman from Madawaska speaks about.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker and Members of the House: I am not speaking today on coon. I am speaking on a district. In the town where I came from we were told that we would have ten percent, that we could not go alone, it would be much cheaper if we joined a district. I fought this, because I came out of District 3, and I saw what happened down in District 3. After you once get into a district you cannot get out of it. Even if the court rules you can get out of it, the Attorney General would rule that it would set a precedent, and because of a precedent we can't let you out.

We were told in the Town of Oakland that if we joined how much cheaper it would be. We joined. They told us that we would get ten percent. They told us that our part would be 57 percent — I mean that the state would pay 57 percent, our part would be 39 percent. The minute after the people voted for it, after it was defeated twice in my municipality, they went to work and they jumped our part to 57 percent, and the state paid the 41 percent.

Now in our town alone, our taxes have trebled in three years. Not because of the municipality end of it, because our taxes have stayed exactly for highways, bridges, poor, police and so forth. But it has all come in the educational system. And if today my district could have a vote and be assured of going out of the district, they would dissolve this very afternoon, because my town is almost on the verge of bankruptcy because of this. Many throughout the district are the same.

Now I don't consider this educational. And I think that this Town of Madawaska should have their right to home rule, and have the right to not be bankrupt, and I go along with "ought to pass" with Mr. Cyr a hundred percent.

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

Mr. DYAR: Mr. Speaker and Members of the House: This morning I would like to concur with the gentlemen from Houlton and Madawaska. I think we should look at this from an economic situation. You have heard ten percent being used as a figure to entice schools into districts.

I can visualize if the three towns in the proposed District 33 did come in together that they would immediately look for a site for a new school, probably somewhere between St. Agatha and Madawaska. Now at this time you would be talking in terms of probably five or six million dollars for a new plant, for which the state would pay 60 percent. You would also be talking transportation where the state again would be paying a high rate, percentage rate of the cost of transportation and new bussing.

I think that if you allowed Madawaska to become a single town district that you would be saving money, because \$27,000, as mentioned here this morning, would certainly be a lot less than the state's part or share of a bond issue for a new physical plant for a new school.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry I had to disappoint my friends from Aroostook and Penobscot Counties. I voted with the majority, not to close the door to Madawaska and not to close the door to Orono.

The comments that have been made in the last few minutes, I think, justify my basic concern that the time has come when the state has got to stop and take a good look at its educational system. There are a lot of questions that require answers, and the answers are going to come out of only a very in depth study of the educational system of the state.

Has the Sinclair Act fulfilled its objectives? Are the schools in the School Administrative Districts getting the better education that they were supposed to get? Should we any longer discriminate between school units on operational costs subsidy? Should we discrim-

inate between school units on school construction aid? And I am sure you can add many more questions.

I would hope that before the 106th comes along that you will be afforded the many opportunities that only an in depth investigation can provide for you to act intelligently.

The SPEAKER: The pending question is on the motion of the gentleman from Dixmont, Mr. Millett, that the House accept the Majority "Ought not to pass" Report on Bill "An Act to Create a School Administrative District in the Town of Madawaska," House Paper 641, L. D. 871. 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. 57 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted, the Bill read twice and assigned for third reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 208) (L. D. 274) reporting same in a new draft (H. P. 1238) (L. D. 1524) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. WYMAN of Washington
JOHNSON of Somerset
— of the Senate.
Messrs. HODGDON of Kittery
STILLINGS of Berwick
CURTIS of Orono
Mrs. GOODWIN of Bath
Messrs. DONAGHY of Lubec
MARSTALLER
— of Freeport
COONEY of Webster
FARRINGTON
— of Old Orchard Beach
— of the House.

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

Report was signed by the following members:

Mr. CLIFFORD
of Androscoggin
—of the Senate.

Mr. STARBIRD
of Kingman Township
—of the House.

Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I would move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the acceptance of the Majority "Ought to pass" Report.

(On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Donaghy of Lubec to accept the Majority "Ought to pass" Report and specially assigned for Friday, April 2.)

Passed to Be Engrossed

Bill "An Act relating to Retirement Allowance for Former Governors" (S. P. 521) (L. D. 1419)

Bill "An Act relating to Compensation Payments under Workmen's Compensation Law" (S. P. 522) (L. D. 1420)

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

Third Reader Indefinitely Postponed

Bill "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law" (H. P. 558) (L. D. 734)

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

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

Mr. DONAGHY: Mr. Speaker, I would like to have this indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that item 3, L. D. 734, be indefinitely postponed.

The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the

House: We have already given free hunting and fishing privileges to the Indians that we have on our reservations. Here we know who they are. They come under a census, and so forth. I think that we would be putting a great burden on the warden service if they were to have to determine whether or not a person was an Indian or not. Because after all, we have people of mixed blood, whether it be Irish or French or Indian, and it would be quite hard to determine, because under our laws the Indians are recognized way down the line as far as their bloodline is concerned. And it would be quite hard for the wardens to determine out in the woods some night whether or not the man who was hunting was an Indian and didn't need a license or whether he wasn't an Indian.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I rise here this morning to support the gentleman from Lubec, Mr. Donaghy because, primarily, the Penobscot Tribe of Indians has taken a vote, the Tribal Council has taken a vote and has voted to oppose this measure.

It is my understanding that the Passamaquoddy Tribe has voted to favor the measure. This is unfortunate, but it is true, and it points out one of the good reasons why we should allow the tribal representatives to sit among us and debate their own issues between themselves and let us make judgment only. It is unfortunate that white men must debate this issue.

The gentleman from Lubec has made some statements I think that should be somewhat qualified. The determination of who is and who is not an Indian is quite easily made in the State of Maine. Who is or who is not an Indian, members of the Penobscot or Passamaquoddy Tribes, is determined by who is or who is not on the roll of the census taken each year by the Tribal Council of each of those tribes.

A person is an Indian in the State of Maine if he is in the

whole, or at least one quarter part of Indian blood. Therefore, a person of one quarter part of Indian blood could marry a white person, their children would be only one eighth, but legally they would be full-blooded whites. There must be a cutoff somewhere. A cutoff was made at the request of the Indians several years ago by the legislature, correction of the old law that said "in whole or in part."

Now we come to the question of the free hunting and fishing licenses themselves. Our present statute is one that was made and passed somewhere back in the middle of the 1930's. So far I have been unable to determine the exact date. But be that as it may, it was an act of the legislature granting, in effect, a free gift.

I think, however, at that time the legislature realized though that they were conferring a modern adaptation of something that had been granted in the Indian Treaties for several centuries: First treaties between the Colony of Massachusetts, and, or the English Crown and the Indian tribes, and later between Massachusetts and the tribes and later again between Maine and the tribes in question.

There are a long series of these treaties, and I will not go into them this morning. They encompass a wide range of times from the late 1600's to the early 1800's. There are probably eight or ten of them altogether. Most of them were drawn up at the conclusion of one or another of the various Indian wars. There are exceptions. The French and Indian War was the last one in which either of the Maine tribes entered into active hostility against the white inhabitants of the State of Maine. And during the Revolution, both of Maine's Indian tribes actively supported the American cause against the English, as indeed did the Maliseet and Micmac of New Brunswick, even though at the time the line was drawn, that the Maine tribes landed on one side of the line and the two Canadian tribes on the other.

I know I am getting long and involved here, but I think the history of the past situation is es-

sential to understanding the present.

After the Revolution, Massachusetts signed three treaties with the Penobscots, one treaty with the Passamaquoddy. In 1820 Maine assumed all the obligations of the Commonwealth of Massachusetts toward Maine's Indian tribes. This is outlined in the Fifth Article of the Act of Separation which is, as you know, a part of Article X of the Constitution, although it is no longer printed.

Now what is the fundamental difference in granting the Maine Indians this license right and not granting it to Indians in Canada or any other state in the Union, who have decided to live in this state? The difference is primarily one that the state has entered into negotiations with the Maine tribes, has treated them essentially as equals at the time that they treated with them. They negotiated treaties with them. The treaties have been ratified by the Congress of the United States when they ratified the Act of Separation. Therefore, Maine has certain obligations to Maine Indians. Maine has no such obligations to New Brunswick Indians.

Maine can grant, if they wish, they can grant to New Brunswick Indians living in Maine, or the descendants of New Brunswick Indians living in Maine, these things if they wish, and this is the question before us. But I submit to you that if we decide to do this, if we decide to put the New Brunswick tribes on the same footing as the Maine tribes, then we should also require them to register with the Department of Indian Affairs, at least, to determine who is or who is not an Indian.

I do not think it would be practical for us to apply to the Canadian government in all cases to find out who is a descendant or who is not a descendant of a person who held a band number in either one of these two tribes. How long can the line of descent be clearly recorded and maintained? This I don't know.

In the case of the Maine tribes we have an accurate census taken

every year by the tribal council. A copy is filed with the Department of Indians Affairs. The council has their copy, the tribal representatives have their copy. It is open to public inspection in case there should be a doubt as to who is and who is not a legal Indian in this state.

The Department of Inland Fish and Game have access to these census records. If a person who claims to be an Indian applies for a free license, the Commissioner of Inland Fish and Game simply refers to the census record to find out if this man or woman is regarded as an Indian or not. If he is on the record, he is an Indian; if he is not, he is not. It is that simple. It would be far more complicated to check with the Canadian authorities.

Mr. Speaker, Members of this House, I believe that if we do this we will be setting a precedent that the tribe of Indians that I represent does not want. They believe that since their dealings have been solely with the State of Maine that they should continue so, that any special privileges should be as they always have been, reserved to our Maine tribes only, and that persons of Indian descent coming from outside the State of Maine should be treated equally with the general population, but not specially.

Mr. Speaker and Members of the House, I ask that you vote with me in indefinitely postponing this bill.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Starbird characterized his remarks as long and involved. I would also say that they were irrelevant, as were the remarks of Mr. Donaghy.

What we are concerned with here, — this is my bill, I brought it in at the request of Indians living in Aroostook County. And this is the group that is concerned here. They number somewhere between three and five hundred Indians; they are longtime residents of Aroostook County. Many

of these Indian families have lived, for example, in Houlton for three and four generations. They choose to live not on the reservation, but as independent citizens in Aroostook County.

And out of this group there now is starting to emerge some rather strong leadership of native Indians, born and educated in Aroostook County. And they are now starting to ask questions. One of the questions that they asked me is, "Why are we not allowed the same rights with respect to free hunting and fishing licenses as the other Indians in the State of Maine?" I find this a very difficult question to answer, because it seems to me that we have here a simple question of equity. If it is fair for a Penobscot or a Passamaquoddy Indian to have a free hunting or fishing license, it seems to me it is equally fair for a Micmac or a Maliseet, who is a long term resident of Aroostook County, to have a free hunting or fishing license.

The question of the difficulty of establishing who is an Indian, this presents no problem either to the Department of Indian Affairs or to the Department of Fish and Game. I have checked this carefully with both departments, and there is no problem here. So that the bill establishes that an Indian granted a free hunting or fishing license under the terms of this act should have been a one year resident of Aroostook County. And the Indians that we are talking about here are ones who have been long term residents of the county, and it seems to me that it is an open and shut case of equity. If it is fair that one group of Indians should be provided free hunting and fishing licenses, it seems to me it is equally fair that our Aroostook County Indians should be provided the same service.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to say I will not bore you with a lot of history, but I will say that in the area that I represent there are a lot of elderly people, elderly farmers that have

tilled in the soil until their bones have become stiff with arthritis. And this House, in the past, has refused to let them have free hunting and fishing licenses. And I think this is an insult to these people that have worked hard all their life tilling the soil and are unable now to work that we don't give them a free license, and we give these people a free license that in my opinion most of them have never worked. That is not all of them, but this is a good percentage of them, because I am acquainted with a lot of them.

And further, let me tell you that to be on this registry there, it makes me laugh to sit and hear them tell about getting on this registry. Because all you have to do is be in good cahoots with this council, maybe sleep with an Indian woman a couple of nights, and you can be on this registry. So I probably wouldn't have any trouble getting on this registry myself, and I know Starbird wouldn't.

The SPEAKER: The Chair would caution the gentleman relative to his remarks.

Mr. DUDLEY: And so I concur with the gentleman, Mr. Donaghy, that this bill should be indefinitely postponed, because these people, these Micmacs and these Indians that commute freely across our lines, where are we going to draw the line? And I don't believe this bill sets up specifically how long they have got to be a resident of Maine, and I don't see how you can tell if they are going to be a resident. They are continually on the move; they go wherever the biggest handouts are. And if it happens to be in Maine we will have them all. And if New Brunswick does well, the most of them are over there. This is about how they operate. They go where the greatest handouts are. And so if we want to give them the most, they will all be over here.

So I hope we will indefinitely postpone this bill and stop the chitter chatter.

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

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

House: As this is a morning of embarrassments, I am going to very briefly take a little time and tell a little story, then just make one remark on the bill.

You know I heard an old dentist one time in Houlton tell me, he said, "There has only been two perfect people on the earth." He had married a woman some his senior years who had put him through dental college, and had trained him. And she being a widow had probably brought up quite a few times some of his mistakes. And he said, "You know, Finemore, there have only been two perfect people on this earth." I said, "Who is that, Doc?" He says, "One of them was the Savior, the other was my wife's first husband." This morning, probably, Mr. Speaker, you and I are both in this class. We have made a few mistakes.

But the thing I have to say about this bill, if you read the bill you will notice there is one bad item in this bill. We all realize that these Micmac and Maliseet Indians aren't hunters. They come here, they aren't trained for the woods or anything. Supposing they are Indians. But in that bill it says the Commissioner shall issue a hunting license, trapping, fishing license, to any Indian over the age of ten years old. I wonder if we want that in the State of Maine.

And the Indians aren't, most of them aren't, if they have been here like the gentleman from Houlton, Mr. Haskell, said, the children who are born here and have reached the age of buying a hunting license, they can buy it in the State of Maine because of residence. The ones who are going to be buying these licenses are the ones that we don't like to have in the woods, not because they are Indians, but we don't let our own class go like that.

And that bill saying ten years of age, I wonder if that is the proper thing to do. I would doubt if this bill would be workable after you get it passed, and I hope you go along with the indefinite postponement of this bill.

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

Mr. BITHER: Mr. Speaker and Members of the House: I don't know as I agree with anyone here today at all. I thought that any of our children ten years or thereabouts had to have a license nowadays. I don't know what is the difference between Indian children or someone else.

Mr. Dudley talks about these Indians migrating back and forth across the line freely, just coming over here for handouts. Mr. Haskell has tried to tell you, and I am going to reiterate, and I am sorry if I repeat, but these people are not over here for handouts. These people are living an independent life of their own. They are the only Indians in the State of Maine that are not after handouts. These people have an organization. They have had several government grants to improve their status. They are working on education, and I know a good deal about this because, through the college that I represent — Ricker College in Houlton, in case you don't know—they are doing a lot of work with these Indians.

I don't think personally, I may be wrong, but I don't think to call them New Brunswick Indians — these are North American Indians that can move back and forth across the line freely if they want to.

Now another thing, if the leaders of these Indians at least,—one of the very fine young men that came down here and spoke on this bill was a student of mine, he graduated from Ricker and he is a very fine leader. The other fellow has had a large grant, federal grant to study leadership and get leadership training. These people are doing their own leadership, they are doing their own training. They are not asking the bureau over here in the Department of Education for any help at all. All they are asking very simply right now is a free license, and I think that is little enough to offer them.

The boy who I speak about who is one of their leaders, and I am sure the other fellow too, both of those leaders—call them what you

want, I don't call them New Brunswick Indians. They served in the United States Army, served their term in the United States Army and came back and finished school. This is the type of Indians we are talking about. We are not talking about the type of transient Indians that won't work in the woods or something like that; we are talking about Indians that are trying to make a living on their own.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I hate to disagree with my good friend, Mr. Bither. I will say this, that these Indians whom you are talking about, Maliseets and the Micmacs, were not recognized at the time that the Massachusetts Colony deeded over the State of Maine.

The hour is getting late, and I know everyone wants to get out of here as soon as they can, but I think where I have lived across the river for over 60 years right next to the reservation, I am quite in contact with the members of the Penobscot tribe. And they are very emphatic in their stand; they oppose the Micmacs from getting a free fishing license or a hunting license, whatever you have, on the grounds that they themselves are doing. They say that once they get their foot in the door who knows where they are going to stop. And I think that would be a tremendous expense to the state. As it is now we do have a large expense with our Indians, we are trying to do what we can for them. And I certainly agree with Representative Donaghy for the indefinite postponement of this bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: We have heard a lot of talk about tribes and definitions, and so forth. What this bill does, according to the Passamaquoddy tribe that gave me the information, is that they consider that an Indian is an Indian; that these Indians that were brought over here as labor persons in the years gone

by, are now Americanized and their children are American citizens. They are simply asking that there be no discrimination between Indians, that all have an equal right and an equal opportunity.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that Bill "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law," House Paper 558, L. D. 734 be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 82 having voted in the affirmative and 43 having voted in the negative, the motion did prevail. Sent up for concurrence.

Bill "An Act relating to Permits for Kindling Out-of-door Fires" (H. P. 630) (L. D. 852)

Bill "An Act relating to the Transportation of Students to Technical and Vocational Centers" (H. P. 669) (L. D. 906)

Resolution Proposing an Amendment to the Constitution to Change the Time for Filing an Initiative Petition (S. P. 382) (L. D. 1139)

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

The SPEAKER: The Speaker of the House observes a very distinguished citizen in the rear of the Hall of the House, who would like to address the House briefly, and is there objection to the Chair inviting this distinguished citizen to the rostrum?

The Chair hears no objection and he would request a former Speaker of the House, Dana Childs to escort Mrs. Isaacson to the rostrum for a presentation, and the Chair would ask Mr. Childs to join him on the rostrum while this is taking place.

Thereupon, Mrs. Dorris Isaacson was escorted to the rostrum by former Speaker Dana Childs, amid the applause of the House.

The SPEAKER: The Chair at this time would like to introduce to the members of the House Mrs. Dorris Isaacson, the president of the Maine League of Historical Societies and the editor of A Guide 'Down East', a publication which was authorized by the 104th Legislature. Mrs. Isaacson is also a member of the Sesquicentennial Commission, and at this time I introduce to you this distinguished citizen of Maine. (Applause)

Mrs. DORRIS ISAACSON: Thank you, Mr. Speaker, Members of the House: I appreciate the honor and privilege of coming before you here, especially since I was once a member of the Fourth Estate. It is now too long ago to really recall, so I will move at once to the business at hand.

Many of you were members of the 104th Legislature that with the State Sesquicentennial Commission made possible the publication of a unique work that hopefully will be valuable and useful over many years for our citizens in business, our institutions and students. I use the word unique not only because it is the only compendium of its kind on the State of Maine but also and more importantly because it is the cooperative effort of more than 80 citizens from our sixteen counties.

I am referring to the 708-page volume, "Maine: A Guide 'Down East', "which I am happy to tell you is in circulation as of today in an edition of 10,000 copies. I am also happy to tell you that it has been priced at \$6.50, only to cover costs, in order to make it available to as many of our citizens as possible; the money from sales being returned to the State's General Fund.

The book, with more than 250 illustrations, is designed as a comprehensive introduction to Maine and its people, a valid portrayal of our State today against a background of our historic heritage. It has been compiled by the Maine League of Historical Societies and Museums and a tribute to Maine's Sesquicentennial. The book is a revision updating and amplification of the 1937 Federal Writers Project volume of the same title, which

though long outdated has been used as a reference for many years.

It so happens that the state director of the original project survived that ordeal to edit the new work. It has been two years in preparation, the material contributed by professionals in the many fields relating to our State's diverse background — historians, individuals from our state departments, our institutions of higher learning, and many others.

In the results of their work I hope and trust you will feel that your commitment has been honored. This truly cooperative effort on the part of Maine citizens, and you as their elected representatives, surely is an expression of regard for our State of Maine. A regard expressed as follows back in 1839 by one of our earliest Congressmen, Mark Langdon Hill — "The State of Maine, as she is and ought to be, ample in territory rich in resources, abundant in agricultural, commercial and manufacturing facilities; with an increasing, hardy, industrious and intelligent population; may her destiny be worthy of the Maine State in the far east."

I thank you for this opportunity to publicly acknowledge the generosity of all who have participated in the production of this volume, and at this time, Mr. Speaker, it is my pleasure to present you with the first copy of Maine: A Guide 'Down East.'

The SPEAKER: Thank you very much, Mrs. Isaacson, and I assure you the Speaker will treasure this gift from your historical society and the efforts on your behalf.

Thereupon, Mrs. Isaacson was escorted from the Hall by Mr. Childs amid the applause of the House, the members rising.

Emergency Measure Tabled and Assigned

An Act Continuing the Maine Cultural Building Authority (S. P. 348) (L. D. 1016)

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. 92 voted in favor of same and 39 against.

Whereupon, Mr. Martin of Eagle Lake requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I request that this be tabled until the next legislative day, please.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that item 1, L. D. 1016, be tabled until the next legislative day, pending passage to be enacted, a roll call having been ordered. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

Passed to Be Enacted

An Act Changing the Name of Maine State Association of Plumbing Contractors, Inc. (S. P. 234) (L. D. 696)

An Act to Establish a Maine Library Advisory Committee (S. P. 263) (L. D. 769)

An Act relating to the Testing of Vision and Hearing of School Pupils (S. P. 271) (L. D. 799)

An Act relating to Statement Setting Forth the Total Necessary to Retire All Outstanding Bonds on Ballots for Bond Issues (S. P. 282) (L. D. 838)

An Act relating to Temporary Loans by State (S. P. 283) (L. D. 839)

An Act relating to Legislative Ethics (S. P. 511) (L. D. 1368)

An Act relating to Number of Whitefish Taken from Waters of the State (S. P. 512) (L. D. 1369)

An Act relating to the Administration of the Department of Audit (S. P. 514) (L. D. 1371)

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

An Act relating to Definition of Class A Restaurant Under Liquor Laws (H. P. 302) (L. D. 402)

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.

Enactor

Tabled and Assigned

An Act relating to Retirement Benefits for Forest Rangers under State Retirement System (H. P. 318) (L. D. 418)

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

(On motion of Mrs. Lincoln of Bethel, tabled pending passage to be enacted and specially assigned for Friday, April 2.)

An Act relating to Issuance of Malt Liquor Licenses (H. P. 429) (L. D. 563)

An Act Authorizing Use of the Name Maine Association of Real Estate Boards (H. P. 494) (L. D. 635)

An Act Prohibiting Beaver Trapping by Nonresidents (H. P. 590) (L. D. 785)

An Act Changing Name of Down-east Association of Independent Schools (H. P. 602) (L. D. 804)

An Act Requiring Childhood Education Programs for Five-Year Olds (H. P. 643) (L. D. 873)

An Act Providing Handrails for Stairs in Public Buildings (H. P. 1082) (L. D. 1148)

Finally Passed

Resolve Authorizing the Forest Commissioner to Convey Certain Land in Franklin County (H. P. 724) (L. D. 969)

Resolve to Reimburse Perley E. Joy of Milo for Loss of Bee Hives by Bear (H. P. 783) (L. D. 1059)

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.

On motion of Mr. Call of Lewiston,

Adjourned until nine o'clock tomorrow morning.