

# 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, April 2, 1971

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

Prayer by Brigadier Alfred Davey of Augusta.

The journal of yesterday was read and approved.

On the part of the House, the Speaker appointed the following Conferees on the disagreeing action of the two branches on Bill "An Act Providing for Scholarships for North American Indians Residing in Maine" (H. P. 260) (L. D. 342):

Messrs. HASKELL of Houlton  
WOODBURY of Gray  
LAWRY of Fairfield

On the part of the House, the Speaker appointed the following Conferees on the disagreeing action of the two branches 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).

Messrs. DONAGHY of Lubec  
HODGDON of Kittery  
MARSTALLER  
of Freeport

On the part of the House, the Speaker appointed the following Conferees on the disagreeing action of the two branches on Bill "An Act Concerning Minimum Salaries for Teachers" (S. P. 516) (L. D. 1401) in new draft:

Messrs. BITHER of Houlton  
TYNDALE  
of Kennebunkport  
LUCAS of Portland

**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 Education reporting "Ought not to pass" on Bill "An Act relating to Conferring Baccalaureate Degrees by John F. Kennedy College" (S. P. 424) (L. D. 1237).

Report of the Committee on Judiciary on Bill "An Act relating to Trespass on Property of Municipalities and School Administrative Districts" (S. P. 358) (L. D. 1054) reporting "Ought not to pass", as covered by other legislation.

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

**Leave to Withdraw  
Covered by Other Legislation**

Report of the Committee on County Government on Bill "An Act Increasing Payments to the Nathan and Henry B. Cleaves Law Library of the Cumberland Bar Association Serving as a County Law Library" (S. P. 269) (L. D. 797) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Increasing Payments to Oxford County Law Library" (S. P. 273) (L. D. 809)

Report of same Committee reporting same on Bill "An Act Increasing Payments to Sagadahoc County Law Library" (S. P. 295) (L. D. 847)

Came from the Senate read and accepted.

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

**Ought to Pass in New Draft**

Report of the Committee on State Government on Bill "An Act relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State" (S. P. 104) (L. D. 266) reporting same in a new draft (S. P. 524) (L. D. 1519) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and assigned for third reading the next legislative day.

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Fisheries and Wildlife on Bill "An Act relating to Trapping Muskrats" (S. P. 174) (L. D. 526) re-

porting "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-59) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

#### Amended in Senate

Report of the Committee on Transportation on Bill "An Act relating to the Color of School Buses no Longer Used for School Purposes" (S. P. 210) (L. D. 643) 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" as amended by Senate Amendment "A" thereto.

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-46) was read. Senate Amendment "A" to Committee Amendment "A" (S-51) was read and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

The Bill was assigned for third reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Education on Bill "An Act Providing for Mandatory Retirement for Teachers" (S. P. 305) (L. D. 899) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. KATZ of Kennebec  
MINKOWSKY  
of Androscoggin  
CHICK of Kennebec  
— of the Senate.

Messrs. HASKELL of Houlton  
WOODBURY of Gray  
SIMPSON of Standish  
LAWRY of Fairfield  
LYNCH

of Livermore Falls  
BITHER of Houlton  
MURRAY of Bangor  
— of the House.

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

Report was signed by the following members:

Messrs. MILLET of Dixmont  
LUCAS of Portland  
TYNDALE

of Kennebunkport  
— of the House.

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

In the House: Reports were read.

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

Mr. HASKELL: Mr. Speaker, I move the acceptance of the Majority Report.

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

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen: I am in a small minority on this bill this morning and therefore I do not intend to debate it. But I would like to point out that the bill according to the title is somewhat misleading.

The bill requires that teachers upon reaching the age of 65 would be automatically terminated from any kind of tenure or status of continuing teachers. They might, according to the bill, be allowed to continue on year to year intervals until the age of 70.

I disagree with this philosophy, although I realize that probably the point of view is quite popular with many of you, that teachers are over the hill, so to speak, at age 65. It seems odd to me that even as early as yesterday we passed to be engrossed, or passed to the stage of third reading, a bill

that would allow liquor inspectors, a so-called hazardous profession, to continue to work until the age of 70.

Now under normal conditions they should be required to be retired at age 55; but we made an exception. In other words, we feel that some people under certain conditions can work well until they are 70 and beyond; but teachers don't work well apparently. I have talked with a lot of elderly teachers and I think that many of them have probably been stronger than any of the younger teachers that have come out of the teachers colleges.

I don't intend to try to convince any of you to support my position, but just to state my view that this is somewhat discriminatory legislation. I don't think it is necessary. I would much prefer to see the individual himself make the decision of when he or she is ready to retire.

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

Mr. JALBERT: Mr. Speaker, I move that this bill and all of its accompanying papers be indefinitely postponed and I would speak to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalberty moves that both Reports and Bill be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: When I read an article in the papers last Saturday concerning this measure, reported out somewhat prematurely, it stated in the article that these teachers should be treated in the same manner in their golden years as the other members of the State House family, or state employees if you will, numbering some 12,000 plus.

I took it upon myself on Monday morning to go, unannounced, to the retiring room of the teachers at Lewiston High. To my complete amazement not only did the older teachers, or the teachers if they may be called old, around the area of 60 or 65, oppose this piece of legislation unanimously, but I was completely amazed to see the

younger teachers, both men and women, opposing this piece of legislation.

Now I might suggest to the gentleman from Dixmont, Mr. Millett, that he need not apologize or have any fear at all for his attitude concerning this measure. I have been around a long time and it is only the last few years that I have heard commentary, the establishment, and the younger elements, and so on.

Insofar as I personally am concerned, in a very few weeks I will turn another area and hit 60. Outside of once or twice when one might get tired I figure that I am in pretty good shape and I might suggest to anybody that I have never had any opinions that 60 or 65 or 70 was old anyway.

Now I am one who has been the champion of the younger element all of my life, as I grow older, because of the honest philosophy if the young can't teach the young it is up to the old to teach. Now this vicious piece of legislation which says that it isn't mandatory but you can get a permit and you can keep on teaching. I wonder just what happens if Cousin Eben and Cousin Harry and Cousin John would find themselves on the school board and decide — because they have a cousin of their own, that Teacher A, B, or C, who is teaching on a permit, has outlived his or her usefulness in the teaching profession.

Actually the teachers can retire at their full commitment of pensions at age 60. The state employees outside of the enforcement division—and that light has even been broken now, as we voted this week, the state employees retire mandatorily at age 70 and can get a permit.

What I am trying to put over here is this. Somewhere along the line there must be a decision made as to what is old. I think that age 65 is nowhere near old; I think it is young. As I look around here I naturally see some very capable people among the young; I see some capable people among the middle-aged. But if you are going to put the label of old on me, with present exception ex-

cluded, I see some very worthy people, and people who can contribute a great deal, who have gone beyond the age of 60.

Just imagine a teacher, who would have someone breathing down his or her neck on the school board prejudicedly, and that individual would say either I make it or I am out of business. If I repeat myself, that I was completely amazed at the attitude of the younger teacher at Lewiston High. Not one single person that I spoke to Monday morning agreed that this bill was proper. And I didn't lobby them, I used the same tactics that I use here. I told them about the bill. I asked them what their opinion was. They are my constituents.

I also know, firsthand, that even in the area of one of these districts, of one who signed the report "ought to pass," I talked to him, I asked him if he would make a survey, and conscientious as he is—and I am not going to name him, he can identify himself—he allowed that it was better than two to one in his area to keep the situation as it is.

And to add further impetus to my comments, I can remember until such time as the teachers really rallied themselves together, I can remember the salaries that they were getting, from six to eight to a thousand to twelve hundred dollars. This would deny them the five best years of their earning capacity. I am sure that like business or anything else that anyone who would feel themselves slipping in some area, I am sure that they would withdraw themselves from the field.

And to my young friends I might add that somewhere along the line there is an old adage that there is no substitute for experience; and certainly my demonstration to several members of the younger element in this body would tell them how anxious I am to go forward to give them what advice, if I may, of my ability to give.

Now if this was a question of 13,000 state employees, including the teachers, it might have some validity; but this is a question here of a small group of people within

a big area who are being discriminated against. I have tried as I might to find some areas of good within this measure, and it is beyond me to do so.

I urge the membership of this House to see in their wisdom, the wisdom of those who signed the report as "ought not to pass." Also the fact that there are some members even who signed the report "ought to pass" have presently reservations. And, Mr. Speaker, when the vote is taken I move that it be taken by the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I hope I am not prejudiced in this matter because of my extreme age or the fact that I have two sisters who are teaching well up past 70 and tried to retire and have been requested by the school boards to continue in teaching.

Somehow or other I feel that this legislation is something that can be adequately handled by the various school districts or school boards of our state, and I find myself in opposition to state-wide legislation of this type at this time. I believe it is completely unnecessary and I believe that it can be properly handled in the local districts.

I am somewhat surprised after listening to my good friend Mr. Bither, from whom the other day in his talk on local control, to see his name on this bill where it is. But be that as it may, I concur with the minority report and the opinions of the honorable gentleman from Lewiston, Mr. Jalbert, and I hope that you will defeat this measure.

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

Mr. BITHER: Mr. Speaker and Members of the House: I can answer the gentleman from Perham, Mr. Bragdon, about why I signed it, and why after he heard me the other day why I would sign such a bill. I will tell you why very simply. I am Exhibit A of this whole business right here, be-

cause I am past 65, this is my 44th year of teaching, and I should certainly have been retired at 65 instead of teaching two more years. At 65 one is old enough to retire, especially after forty-two or three years teaching.

This bill isn't so bad; I don't think that this bill is at all so bad. All the teachers are going to lose at 65 is tenure. It does allow the school board to retire a teacher at 65, and then from there on they will have one-year contracts. And that is exactly what happened to me in my job, and I don't think I was picked on at all. I don't necessarily agree at all with the gentleman from Dixmont that at 65 you are way over the hill, but I think I have got to go along with him that you started down the path a little bit just the same.

So I hope I have answered Mr. Bragdon as to why I signed that. I think at 65 it is time to retire.

And another thing, just one more little thing. The teachers that I have talked to, many of the teachers that I have talked to want an earlier retirement. I will bet you that within two years you are going to see bills in here, if they are not already in here, asking for retirement at 60 or 55; and that is what they are going to want. Thank you.

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

Mr. LUCAS: Mr. Speaker, Ladies and Gentlemen of the House: I signed the minority report because I felt that there were many teachers who did not have the opportunity that Mr. Bither had, to teach forty-two or forty-four years; and in fact they were counting on teaching to age 70 in order to retire as Mr. Bither has done. I felt that it was discriminatory in that we did not also do this for other state employees nor are we concerned with it in this legislative body.

Certainly this is something that should have an effective date of at least five years before it would become law, because there are those that are currently in their late years of 60 and on that would in fact like to continue so that they could reap the benefits of

their many years of service to the school children of the state.

I do hope that you will support the minority report as most ably pointed out by the good gentleman from Lewiston, Mr. Jalbert and Mr. Bragdon of Perham.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Ladies and Gentlemen of the House: I have had 27 years experience on our local school board. I think 65 mandatory that it is much too young to cut off our teachers and ask them to retire. I am sure that in many cases the last few years in Fort Fairfield and Easton we would have shortened the lives and usefulness of many of our teachers.

I heartily support Mr. Jalbert's motion. I think it should be left to the discretion of the school boards in the local areas to decide when they want to ask a teacher to retire, and the teacher if she wants to retire earlier than 65 she has that opportunity if she has the required years in. Thank you.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I think it is important in the consideration of this bill to be sure that you have studied the amendment that is on it. No one in the committee supported the idea of mandatory retirement after 65. I think that if you will read the amendment you will see that there is a review of the teacher's effectiveness at age 65, and then the contract from that point to age 70 becomes a matter of a year to year contract.

Also to answer the objection raised by Mr. Lucas, the committee did also recognize that there is a factor here of teachers who were planning into retirement and who had been thinking in terms of retiring at age 70. I think you will note that the amendment also carries an effective date of July 1, 1974. In view of the committee who supported this, all this bill really amounts to, at age 65 the school committee or the superintendent can make a review of the teacher's effectiveness, and

then the teacher may be continued beyond that date on a year to year basis. And it did seem that there are now and have been cases where an opportunity for a review of a teacher's effectiveness at age 65 might be valuable.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: This was not an easy bill to resolve in my own mind. It is a good bill and it is a bad bill. And all of the speakers that have — most of them that have voiced their opinion so far have told you what is bad. It does discriminate against the teachers, and fundamentally I would object to it on that basis alone. But so far no one has mentioned the children. We do discriminate against teachers as individuals, but I think we ought to be concerned with the effect of the children, who outnumber teachers many times.

My decision I think was colored by my background. I served some years on the school committee and on two different occasions we were forced to take action. And I would not wish a situation like this on any teacher, any school board, or any community. I agree with Mr. Jalbert that 60 and older, when we feel that we do not suffer any effects of our years; but I think that unless we undergo a drastic and sudden change in physical or mental health we as individuals are among the last to recognize that there is any gradual change taking place over the years, that teachers are no different from you and I.

I made my decision simply because I think it is a way to better the school system in the state. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I rise again because of my opinion, the importance of my motion and the importance of this bill.

You know two years ago I hollered loud and long against home rule. I accepted home rule when

the people voted, when it went to a referendum; as a matter of fact, I voted for it in referendum. And ever since I have sat in this settee of mine, since we started this Legislature, I have been hit with infractions of home rule. Now let the school boards in the various communities decide these problems. Let the champions of home rule come forward now.

Now concerning the remarks of the gentleman from Houlton, Mr. Bither. Now there are those who told me that they went along with this bill and it stated in the article in the newspapers because of the pressure of teaching in education. Now here is a young man from Houlton, Mr. Bither, who admits that he taught beyond the age of 65, who has taught for 40 years or more, and he says that people should retire at 65 and obviously because of the pressures — and here he runs for the Legislature and he sits in this place.

I would like to ask any of you here if when you get home at the end of the week, you don't feel the pressures, because I do. But I will tell you one thing now. I am 60 come May 7 and I am going to be 65 five years hence, and I will be sitting right here. And if anybody thinks in this House that I am old, try and tackle me. And you had better believe me. The finest people I know are older than I, and I consult with them every day.

You may recall Androscoggin Day the honorable Frank S. Hoy, a member of the Education Department of the state, who was master of ceremonies. Fifteen minutes before the ceremony started I handed him a program this big; as you know I do when I prepare things. He picked that up and he went through that thing like nothing — and he is 80 years young!

Since when is 65 years of age old? And anyone who would make the comment that one should retire at 65, because obviously the pressures of teaching are too high, they should certainly not come in this area here unless their blood pressure is a hell of a lot better than mine —



The SPEAKER: Caution, caution.

Mr. JALBERT: I am aware of that. But these things aggravate anybody. The only reason I run for this Legislature is because I think I can add something to the legislature. And the only reason I go to the young people is because they are going to be in my boat in years to come, and they are going to be running the show. And maybe we might add something to their thinking.

I would like to have the people who voted on the "ought not to pass" report stop calling themselves in the minority. They are in the majority. And if this bill is good for teachers, then amend it and make it mandatory for all 13,000 state employees. And what a real mess we would be into if we did have them retire and there might be those who would say we have too many of them, but they are here.

I feel extremely strong about this piece of legislation. It is a bad piece of legislation, even admitted to by a member of the Education Committee who signed the report "ought to pass." He admits it is a bad bill. I am sorry I took so much of your time, and if you think I am hot you are right.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to speak to you for a moment this morning as one who has taught two and a half years at Lewiston High School and I am somewhat reluctant to admit how many hours I have spent in the teacher's room; but nevertheless I think Mr. Jalbert has taken a false impression of the needs and the views of the teacher.

I think probably the real question that we are dealing with here is the question of tenure, and that a teacher after three years in most systems gets tenure and except in extraordinary circumstances cannot be fired at all. And I think that at age 65 — and I realize it is an arbitrary age, we ought to give the school boards, who are the

people, I think, and who are the defenders of the children, the students, the right to hire these people on a year to year basis.

I think that the gentleman from Lewiston, Mr. Jalbert, who so strongly on some days says we must accept the majority reports today is perhaps not practicing what he preaches; and I sincerely hope that we accept the majority report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have the courage of my convictions and I practice what I preach, and I keep my word.

The SPEAKER: The Chair recognizes the gentleman from Gray, Mr. Woodbury.

Mr. WOODBURY: Mr. Speaker and Members of the House: I would like to suggest that I might be considered Exhibit B. I have spent 45 years in the business of public education; 38 of those years I worked in a school system in a state where the required age for retirement was 65 years. I retired at 60. I have never been busier in my life than I have been since retirement.

I signed the majority report, and the reason I signed it is because in my judgment this is for the best interests of public education as a whole. I believe that placing the decision concerning reemployment after the age of 65 in the hands of the local board of education is sound procedure. This is my reason for signing the majority report.

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

Mr. TYNDALE: Mr. Speaker and Members of the House: The reason that I signed — I do not wish to prolong this debate, but I did sign the minority report for two or three reasons.

The number one reason was just as Dr. Woodbury expressed himself, that I don't believe in a mandatory system in professions. Oliver Wendell Holmes was one of the most able men we had on the Supreme Court, and I wish we could find more like him today. He said at the age of 90 he wished he was

ten years younger when a bevy of beautiful belles passed by him.

Now I am not going into the debate on that question, but there is an element here. The school board is much more able to decide, but you have a little point in here that you might consider. If the superintendent does not like a teacher, or one or two members of the school board do not like a teacher, they say, "Well, we will get rid of that son of a gun next year, when the mandatory age requirement comes in." You have a negotiating factor which is coming in, more in evidence every day, between the teachers and the school board. And this is a point that you can consider.

I don't see, as my dear friend Mr. Bragdon from Perham said, that this legislation is really needed under the present system and structure of education. As far as the children are concerned, you always have the child himself, look at Mr. Chips, and I don't agree on that point at all. Age has no factor in teaching, and this has been proven over the years in education.

Gentlemen, I hope that you will go along with the motion of my friend from Lewiston, Mr. Jalbert and indefinitely postpone this bill.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I am getting so I don't like to speak too much, but since I am an exhibit—I will have to call myself double A, in this situation, I think maybe I ought to speak. I think there is a point here that hasn't been brought out. This has come up before, and the statistics will show that very few, percentagewise, keep on teaching after 65. I think there are still some who teach after 70.

I think this is an unnecessary bill because the ones that are going to kick you out of school are the kids. If the kids don't like you they are going to make it so uncomfortable for you, you will want to get out.

I always think of Ezra Pound. He was a very famous dean of the Harvard Law School and he was continuously active until he was 90. I think some of us biologically

maybe are pretty old at 50. Some of us can still run and play golf when we get in our 80's and our minds are agile, we are still young. I think sometimes this is an economic thing. In Deering High School now, the superintendent has made an offer. Any teacher who will guarantee to resign in two years will be given Masters Degree pay whether they have earned the Masters Degree pay or not.

In other words, I think a lot of the school boards are not too concerned about the quality of teaching as the expense involved. Because an older teacher of course, through the seniority system and what not, will perhaps average \$9,000; but you can pick up a younger teacher for \$6,000. So it is an economic measure.

I am not going to say any more but I did want to emphasize a couple of these points.

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

Mr. LAWRY: Mr. Speaker and Members of the House: As a signer of the majority "ought to pass" report I just would like to make a couple of observations. Number one, we have heard quite a bit about local option and home rule. In my opinion this bill does exactly that. It does give the school board the opportunity at least to review the teachers when they do reach the accepted retirement age in this country. I feel that the bill has merit and I will support it.

However, the thing that bothers me is the fact that this has become an issue that has been used in a political manner, and I always feel a little bit suspect when this happens. And even though I will vote against the indefinite postponement, it will be very definitely with mixed feelings. Thank you.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill 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 pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill "An Act Providing for Mandatory Retirement for Teachers," Senate Paper 305, L. D. 899, be indefinitely postponed, in non-concurrence. All in favor of indefinite postponement will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Barnes, Bartlett, Bedard, Berube, Binnette, Boudreau, Bourgoin, Bragdon, Bustin, Call, Carey, Carrier, Carter, Clark, Clemente, Cote, Cottrell, Crosby, Curran, Doyle, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Evans, Faucher, Finemore, Fraser, Genest, Good, Goodwin, Hall, Hancock, Hardy, Hawkens, Hayes, Henley, Herrick, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lee, Lessard, Lewis, Littlefield, Lizotte, Lucas, Mahany, Manchester, Marsh, Marstaller, Martin, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, O'Brien, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Ross, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Tyndale, Vincent, Webber, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.

NAY — Ault, Bailey, Baker, Bernier, Berry, G. W.; Berry, P. P.; Birt, Bither, Brawn, Brown, Bunker, Churchill, Collins, Cooney, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Dyar, Farrington, Fecteau, Gagnon, Hanson, Haskell, Immonen, Kelley, K. F.; Lawry, Lewin, Lincoln, Lund, Lynch, MacLeod, Maddox, McCloskey, McCormick, Murray, Norris, Orestis, Page, Rocheleau, Rollins, Simpson, L. E.; Smith, D. M.; Woodbury.

ABSENT — Conley, Gauthier, Gill, Hodgdon, Santoro, Sheltra, Starbird, Whitson.

Yes, 95; No, 47; Absent, 8.

The SPEAKER: Ninety-five having voted in the affirmative, forty-

seven in the negative, with eight being absent, both Reports and Bill are indefinitely postponed in non-concurrence.

Sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action where we indefinitely postponed this bill and when you vote I urge you to vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that the House reconsider its action whereby this bill was indefinitely postponed. All in favor say yes; those opposed say no.

A viva voce vote being taken, the motion did not prevail.

#### Non-Concurrent Matter

Bill "An Act relating to Mass Gatherings" (H. P. 1090) (L. D. 1479) which was referred to the Committee on Health and Institutional Services in the House on March 12.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

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

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 6, at 10 o'clock in the morning. (S. P. 534)

Came from the Senate read and passed.

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

#### Messages and Documents

The following Communication:

The Senate of Maine  
Augusta, Maine

April 1, 1971

Honorable Bertha W. Johnson  
Clerk of the House  
105th Legislature

Dear Madam Clerk:

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature 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):

Senators:

JOHNSON of Somerset  
WYMAN of Washington  
CLIFFORD

of Androscoggin

The President has appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for Scholarships for North American Indians Residing in Maine" (H. P. 260) (L. D. 342):

Senators:

KATZ of Kennebec  
CHICK of Kennebec  
MINKOWSKY  
of Androscoggin

Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Mr. Pratt from the Committee on Business Legislation reported "Ought not to pass" on Bill "An Act to Repeal the Prohibition against Combined Licensing under the Maine Insurance Code" (H. P. 759) (L. D. 1025)

Mr. Scott from same Committee reported same on Bill "An Act Exempting Health Insurance Premiums from Premium Tax" (H. P. 760) (L. D. 1026)

Mr. Trask from same Committee reported same on Bill "An Act relating to Fee for Filing Financing Statement under Uniform Commercial Code" (H. P. 637) (L. D. 867)

Mr. Hewes from the Committee on Judiciary reported same on Bill "An Act Increasing Penalties for Operating a Motor Vehicle While under the Influence of Intoxicating Drugs" (H. P. 742) (L. D. 1004)

Mr. Lund from same Committee reported same on Bill "An Act relating to Jurisdiction for Divorce" (H. P. 769) (L. D. 1035)

Mr. Page from same Committee reported same on Bill "An Act Providing for the Confidentiality of Information Gathered in Response to Surveys on Drug Abuse" (H. P. 912) (L. D. 1258)

Mr. Farrington from the Committee on State Government reported same on Bill "An Act Repealing the Exemption of Doctors, Psychologists and Certain Classes of Social Workers from the State Personnel Law" (H. P. 504) (L. D. 650)

Mr. Dudley from the Committee on Transportation reported same on Bill "An Act Providing for a High-level Bridge Between Bath and Phippsburg" (H. P. 216) (L. D. 283)

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

#### **Leave to Withdraw**

Mr. Kelley from the Committee on Labor on Bill "An Act relating to Definition of Public Employee under Municipal Public Employees Labor Relations Law" (H. P. 393) (L. D. 508) reported Leave to Withdraw.

Mr. Lee from same Committee reported same on Bill "An Act Excluding Nonteaching Principals and Assistant Principals from Municipal Public Employees Labor Relations Law" (H. P. 493) (L. D. 634)

Mr. Fraser from the Committee on Transportation reported same on Resolve Appropriating Funds for Reconstructing Section of State Highway No. 105 (H. P. 316) (L. D. 416)

Mr. Keyte from same Committee reported same on Resolve Directing the State Highway Commission to Complete State Highway No. 105 (H. P. 315) (L. D. 415)

Mr. Lebel from same Committee reported same on Bill "An Act relating to Waiving Motor Vehicle License Examinations" (H. P. 621) (L. D. 831)

Reports were read and accepted and sent up for concurrence.

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

Mr. Woodbury from the Committee on Education on Bill "An Act Providing Funds for Certain High School Equivalency Examinations" (H. P. 933) (L. D. 1287) reported same in a new draft (H. P. 1248) (L. D. 1569) under same title and that it "Ought to pass"

Mr. Good from the Committee on Labor on Bill "An Act relating to Compensation under Workmen's Compensation Law for Total Incapacity, Partial Incapacity and Death" (H. P. 229) (L. D. 311) reported same in a new draft (H. P. 1249) (L. D. 1570) under same title and that it "Ought to pass"

Mrs. Goodwin from the Committee on State Government on Bill "An Act relating to Staffing the Joint Standing Committees of the Legislature" (H. P. 432) (L. D. 567) reported same in a new draft (H. P. 1250) (L. D. 1571) under title of "An Act relating to Staffing Committees of the Legislature" and that it "Ought to pass"

Mr. Stillings from same Committee on Bill "An Act relating to Meals and Housing Expense for Members of the Legislature" (H. P. 400) (L. D. 512) reported same in a new draft (H. P. 1251) (L. D. 1572) under title of "An Act relating to Meals and Housing Expense for Members of the Legislature and Compensation at Special Sessions" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and assigned for third reading the next legislative day.

#### **Tabled and Assigned**

Mr. Lee from the Committee on Transportation on Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 281) (L. D. 370) reported same in a new draft (H. P. 1256) (L. D. 1576) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Crosby of Kennebunk, tabled pending acceptance of the Report and specially assigned for Wednesday, April 7.)

#### **Ought to Pass Printed Bills**

Mrs. Wheeler from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Condonation as a Defense to an Action for Divorce" (H. P. 809) (L. D. 1082)

Mrs. White from same Committee reported same on Bill "An Act relating to Recrimination as a Defense in an Action for Divorce" (H. P. 810) (L. D. 1083)

Mr. Donaghy from the Committee on State Government reported same on Bill "An Act relating to Injury or Incapacity of Certain State Employees" (H. P. 506) (L. D. 652)

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

#### **Ought to Pass with Committee Amendment**

Mr. Lawry from the Committee on Education on Bill "An Act relating to Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (L. D. 1347) reported "Ought to pass" as amended by Committee Amendment "A" (H-94) submitted therewith.

Mr. Good from the Committee on Labor on Bill "An Act Prohibiting Discrimination for Testifying or Asserting Claim under Workmen's Compensation Law" (H. P. 234) (L. D. 316) reported "Ought to pass" as amended by Committee Amendment "A" (H-95) submitted therewith.

Mr. Hanson from the Committee on State Government on Bill "An Act relating to Maintenance of Paupers by Certain Plantations" (H. P. 399) (L. D. 511) reported "Ought to pass" as amended by Committee Amendment "A" (H-96) submitted therewith.

Mr. Stillings from same Committee on Bill "An Act relating to Stating Purposes of Bond Issues Referred to the People" (H. P. 788) (L. D. 1064) reported "Ought to pass" as amended by Committee Amendment "A" (H-97) 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 the Bills assigned for third reading the next legislative day.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Education reporting "Ought not to pass" on Bill "An Act to Create a School Administrative District for the Town of Orono" (H. P. 804) (L. D. 1077)

Report was signed by the following members:

Messrs. KATZ of Kennebec  
CHICK of Kennebec  
MINKOWSKY  
of Androscoggin  
—of the Senate  
Messrs. LAWRY of Fairfield  
LYNCH  
of Livermore Falls  
WOODBURY of Gray  
SIMPSON of Standish  
HASKELL of Houlton  
TYNDALE  
of Kennebunkport  
MILLETT of Dixmont  
LUCAS of Portland  
—of the House

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

Report was signed by the following members:

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

Reports were read.

(On motion of Mr. Millett of Dixmont, tabled pending acceptance of either Report and specially assigned for Tuesday, April 6.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Health and Institutional Services reporting "Ought to pass" on Bill "An Act relating to the Rendering of Treatment and Services to Minors for Drug Abuse without Parental Consent" (H. P. 391) (L. D. 506)

Report was signed by the following members:

Messrs. MINKOWSKY  
of Androscoggin  
GREELEY of Waldo  
—of the Senate  
Mr. LESSARD of Lisbon  
Mrs. DOYLE of Bangor  
Mr. CLEMENTE of Portland

Mrs. PAYSON of Falmouth  
Mrs. CUMMINGS of Newport  
Mr. SANTORO of Portland

—of the House

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

Report was signed by the following members:

Mr. HICHENS of York  
—of the Senate  
Mrs. BERRY of Madison  
Messrs. LEWIS of Bristol  
DYAR of Strong  
Mrs. McCORMICK of Union  
—of the House

Reports were read.

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

Mrs. PAYSON: Mr. Speaker, I move the Majority Report of the Committee "Ought to pass" be accepted.

The SPEAKER: The gentlewoman from Falmouth, Mrs. Payson, moves that the House accept the Majority "Ought to pass" Report.

The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Members of the House: I think probably this bill received more attention from the committee than any bill that has been before us thus far. I signed the Minority "Ought not to pass" Report feeling that here we have a bill that has a question of ethics as well as legality concerned in it. I want it understood that I am not against treatment of a youngster who has had a bad trip as a result of drugs. But I feel that this should possibly be taken care of by legal minds rather than by novices who might act on it in the Health and Institutional Services Committee. And I certainly would not favor the passage of the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Susi of Pittsfield, tabled pending the motion of Mrs. Payson of Falmouth to accept the Majority Report and specially assigned for Tuesday, April 6.

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Judiciary on Bill "An Act Prohibiting Personal Liability of School Board Members" (H. P. 6) (L. D. 6) reporting same in a new draft (H. P. 1252) (L. D. 1578) under title of "An Act to Indemnify Public Officials and Employees of the State of Maine" and that it "Ought to pass."

Report was signed by the following members:

Messrs. HARDING of Aroostook  
TANOUS of Penobscot  
— of the Senate.  
Mrs. WHITE of Guilford  
Mr. LUND of Augusta  
Mrs. BAKER of Orrington  
Mr. HENLEY of Norway  
Mrs. WHEELER of Portland  
Mr. ORESTIS of Lewiston  
— of the House.

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

Report was signed by the following members:

Mr. QUINN of Penobscot  
— of the Senate.  
Messrs. HEWES of Cape Elizabeth  
CARRIER of Westbrook  
KELLEY of Caribou  
PAGE of Fryeburg  
— of the House.

Reports were read.

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

Mr. ORESTIS: Mr. Speaker, I move the acceptance of the Majority Report.

The SPEAKER: The gentleman from Lewiston, Mr. Orestis, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. HEWES: Mr. Speaker and Members of the House: I ask for a division on this as I am opposed to the Majority "Ought to pass" Report. I would like, if you would, to call your attention to the original L. D. which was L. D. 6, and compare that with the L. D. which is 1578, the one that was just circulated by itself this morning.

The original L. D. was a relatively simple L. D. It would provide prohibited, that is personal liability for SAD directors and school board members. I personal-

ly don't think there was any need for that, because I think under a recent Supreme Court case, which I want to call your attention to, SAD directors and school board members are already immune.

I call your attention the case of Richards vs. Ellis, it is in 233 Atlantic 2nd, 37, a 1967 decision written by Chief Justice Robert B. Williamson. And that was an action against the town fathers because the licensing board would not issue a victualer's license in the Town of York. And our Supreme Court, just four years ago, 1967, held that board members, such as town fathers and the licensers giving the victualer's license, were not liable for civil liability. And that seemed to go along with the ruling earlier of a case of Rodway—remember at the Maine Maritime Academy—Rodway vs. Wyman, et als, that there is immunity to the individuals.

So I personally don't think there is any need for the original bill itself, because I believe that school board members and SAD directors are already exempt from personal liability. In fact, last session there was a bill in sponsored by the good gentleman from Kittery which would have suggested that town fathers would be liable if they were willful or wanton, or guilty of reckless misconduct.

So I understand the law to be now that school board members, SAD directors, are not liable in the performance of their official acts.

Now what we have before us, this latest bill which is L. D. 1578, is a complete reversal. It includes all state employees. You can read it here, "every director, officer, employee of a public body created by the Constitution of the State of Maine, or any state employee . . ." what not, would be indemnified by the body of which they are an officer or employee.

Now that would include, as has been mentioned, 13,000 state employees, or 11,000 — when I came here four years ago, I think it was 9,500 state employees; and it would include — well, all publicly elected officials. It would include probably 15,000 people in round figures. And it would provide indemnification, which is the exact reverse of the

immunity which was proposed by the good gentleman from Rockland's original bill, L. D. 6.

I am opposed to the present L. D. 1578. I point out that at the present time the state or the municipalities have sovereign immunity in the performance of governmental acts, with the exception of auto accidents, when they are liable up to the limits of their insurance coverage. And I submit that this is not a good bill as it now stands, and I oppose the motion to accept the "Ought to pass" Report.

Whereupon, on motion of Mr. Lund of Augusta, tabled pending the motion of Mr. Orestis of Lewiston to accept the Majority Report, and specially assigned for Wednesday, April 7.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act relating to the Right of Access by Landlords" (H. P. 193) (L. D. 250) reporting same in a new draft (H. P. 1253) (L. D. 1573) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs.	TANOUS	of Penobscot
	HARDING	of Aroostook
		— of the Senate.
Mr.	LUND	of Augusta
Mrs.	BAKER	of Orrington
Mrs.	WHITE	of Guilford
Messrs.	PAGE	of Fryeburg
	KELLEY	of Caribou
Mrs.	WHEELER	of Portland
Messrs.	ORESTIS	of Lewiston
	HEWES	

of Cape Elizabeth  
— of the House.

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

Report was signed by the following members:

Mr.	QUINN	of Penobscot
		— of the Senate.
Messrs.	HENLEY	of Norway
	CARRIER	of Westbrook
		— of the House.

Reports were read.

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

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

Whereupon, on motion of Mr. Carrier of Westbrook, tabled pending the motion of Mr. Hewes of Cape Elizabeth to accept the Majority Report and specially assigned for Wednesday, April 7.

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Trespass on Certain Land Surrounding Lakes and Other Bodies of Water" (H. P. 459) (L. D. 614)

Report was signed by the following members:

Messrs.	TANOUS	of Penobscot
	QUINN	of Penobscot
	HARDING	of Aroostook
		— of the Senate.
Mr.	LUND	of Augusta
Mrs.	WHITE	of Guilford
Mrs.	BAKER	of Orrington
Messrs.	PAGE	of Fryeburg
	HEWES	

of Cape Elizabeth

Mrs.	WHEELER	of Portland
Messrs.	HENLEY	of Norway
	KELLEY	of Caribou
	ORESTIS	of Lewiston
		— of the House.

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

Report was signed by the following member:

Mr.	CARRIER	of Westbrook
		— of the House.

Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act Affecting Unemployment Compensation During a Stoppage of Work Because of a Labor Dispute" (H. P. 422) (L. D. 556) reporting same in a new draft (H. P. 1254) (L. D. 1574) 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 Westbrook
Mrs.	LINCOLN	of Bethel
Messrs.	LEE	of Albion
	ROLLINS	of Dixfield



SIMPSON of Millinocket  
KELLEY of Machias

— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1255) (L. D. 1575) under same title and that it "Ought to pass"

Report was signed by the following members:

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

Messrs. McTEAGUE of Brunswick  
GENEST of Waterville  
BEDARD of Saco  
BUSTIN of Augusta  
— of the House.

Reports were read.

(On motion of Mr. Good of Westfield, tabled pending acceptance of either Report and specially assigned for Tuesday, April 6.)

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits" (H. P. 423) (L. D. 557)

Report was signed by the following members:

Mr. TANOUS of Penobscot  
— of the Senate.

Messrs. GOOD of Westfield  
LEE of Albion  
ROLLINS of Dixfield

Mrs. LINCOLN of Bethel

Messrs. KELLEY of Machias  
SIMPSON of Millinocket  
— of the House.

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

Report was signed by the following members:

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

Messrs. McTEAGUE of Brunswick  
BEDARD of Saco  
GENEST of Waterville  
BUSTIN of Augusta  
— of the House.

Reports were read.

(On motion of Mr. Good of Westfield, tabled pending acceptance of either Report and specially assigned for Tuesday, April 6.)

**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 Secretary of State by the Governor (H. P. 436) (L. D. 570)

Report was signed by the following members:

Messrs. JOHNSON of Somerset  
WYMAN of Washington  
— of the Senate.

Messrs. HODGDON of Kittery  
CURTIS of Orono  
STILLINGS of Berwick  
HANSON of Gardiner  
MARSTALLER

of Freeport  
DONAGHY of Lubec

— of the House.

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

Report was signed by the following members:

Mr. CLIFFORD of Androscoggin  
— of the Senate.

Messrs. COONEY of Webster  
FARRINGTON of Old Orchard Beach

Mrs. GOODWIN of Bath  
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 move the Majority "Ought not to pass" Report.

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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I find myself again this year, as I have been for the past four sessions, talking about governmental reform. I stand here fully realizing that we don't even have a majority, and so it is impossible to even have the committee report accepted.

I think for those of us who feel that there has to be something done to solve the problems, we feel

that this is one of the things that has to be done. Unfortunately it is not going to be done. I would hope, and I say this kiddingly, that the majority party will some day come to see our point of view; that some day the majority party will by this idea, and perhaps when we become the majority party we will have enough votes from the minority to pass this thing by a two-thirds vote.

And so, Mr. Speaker, I would not want to belabor the point. I would think that we discuss this every session I have been here, it doesn't get anywheres. I would simply ask that when the vote be taken it be taken by the yeas and nays, and let's get it over with this morning.

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

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: Most commonly we consult custom and example rather than reason. Hopefully this time around you will see merit enough to be courageous to suggest its passage.

I don't believe partisan politics should have anything to do with this proposal because we are discussing governmental efficiency reform, and we would be taking a forward step when we could transcend the politics of the situation and look beyond to the question, — what would be most beneficial toward streamlining our governmental operation and making the system work more responsibly for the Governor and for the people of the state?

Now it is easy to understand how we are prisoners of the past when we look at the evolution of the State Constitution and the restrictive nature that this document has on the Governor. Since that time that the Constitution was drafted in 1819, the office of the Governor has developed varying degrees of power, prestige and leadership.

Now the strongest constitutional authority is held by the Governor of New Jersey, designated as a strong Governor's state. Maine is listed among the numerous weak Governor states along with Flor-

ida, Oregon, New Hampshire and Massachusetts.

Now lest you misinterpret that last statement considering our divergent political views and the reflections upon our present and our past governors, weak governors are so designated by constitutional limitation and not by personality or party affiliation.

Today there is a glaring need for more executive control. I think this has been demonstrated in the last six weeks of our struggle here. We are increasingly recognizing this fact, however, not as quickly as we should. People are demanding a more responsive government. Simply to continue the present structure designed for another time will not meet this demand.

Ever since the Gardiner Report of 1930, the removal of the control of the employment of the Secretary of State by the legislature has been asked. I challenge you to act in the best interest of good government, forsaking political and state. To have the Secretary of State, who has important duties, talk separate from and even potentially hostile to the Chief Executive of the State is poor administrative practice in my opinion. That is why this bill is presented, and that is why I urge you to support the minority report of this bill. If you do believe in the practice of democracy, I ask you to allow the people of Maine to pass judgments on the merits of executive authority in the referendum issue that will go with this bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as the good gentleman from Eagle Lake, Mr. Martin, the Minority Leader, has conceded to the results of the vote, and in the interest of economy and time, I suggest that we get on with the vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report. The yeas and nays have been requested. For the Chair to order a roll call it must have the ex-

pressed 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 the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor, House Paper 436, L. D. 570. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; those opposed will vote no.

#### ROLL CALL

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

NAY — Bedard, Bernier, Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Hewes, Jalbert, Jutras, Kelley, P. S.; Keyte, Lebel, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Slane, Smith, D. M.; Smith, E. H.; Tan-

guay, Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Berry, P. P.; Brown, Churchill, Gill, Hodgdon, Immonen, Kilroy, Lawry, Lessard, Lizotte, Santoro, Sheltra, Starbird.

Yes, 74; No, 63; Absent, 13.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-three in the negative, with thirteen being absent, the motion does prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 438) (L. D. 573)

Report was signed by the following members:

Messrs. JOHNSON of Somerset  
WYMAN of Washington  
— of the Senate.  
Messrs. HODGDON of Kittery  
CURTIS of Orono  
STILLINGS of Berwick  
HANSON of Gardiner  
MARSTALLER

of Freeport  
DONAGHY of Lubec  
— of the House.

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

Report was signed by the following members:

Mr. CLIFFORD  
of Androscoggin  
— of the Senate.  
Messrs. COONEY of Webster  
FARRINGTON  
of Old Orchard Beach  
Mrs. GOODWIN of Bath  
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 move the acceptance of the Majority "Ought not to pass" Report.

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not foolish enough to know that this is not going to be the same as the previous, but let me give you really what I think is logical reasoning as to why this ought to be.

To some of you, you may know that the vast majority of the states now allow the governor to veto items in bills containing money. This is something that the Governor ought to have.

It is always a game of politics, I suppose, when the major party in a legislature, or for that matter a legislature of the same party as the Governor decides that they are going to get something that the Governor doesn't want to give, and so we get involved in pork barrel legislation.

The only way that we can bring any rhyme or reason to prevent the pork barrel legislation is by having the Governor take it out by item veto, and it is handled like any other veto is handled.

The President of the United States does not have this power. I have been one of those who have advocated it over the past years, because I feel very strongly that the President ought to have that right, as the Governor of the state ought to have that right.

Every time I take a look at these pork barrel bills that come out of Congress, especially those dealing with rivers and harbors and the drenching and building of dams, it is extremely obvious that if you pat my back, I will pat yours. And of course there is no way the President can get to it.

Under the Constitution of the State of Maine, this is pretty much the same story. I feel much more strongly about this one than I do about some of the others because I think this is one way that abuses can be prevented. If we as members of the Legislature know that we have got someone sitting at the other end of the hall who may just say, "Look kiddoes, let's be realistic, and if you don't do the right thing, you are going to find

an item veto on portions of the appropriation bill."

And so, Mr. Speaker, I would hope that the House would reject the motion of the majority report, and when the vote is taken, I would ask that you vote no. When the vote is taken I request it be taken by the yeas and nays.

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

Mr. SUSI: Mr. Speaker and Members of the House: I doubt that the majority of this Legislature wants to relinquish its rights under an item veto piece of legislation. That is debatable, certainly, but I don't think that we want to give up this prerogative and I hope that you will support the motion before us.

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 the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contain in Bills Appropriating Money, House Paper 438, L. D. 573. If you are in favor of accepting the Majority "Ought not to pass" Report you vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brown, Brown, Bunker, Clark, Collins, Cote, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dyar, Evans, Finemore, Gagnon, Good, Hall, Hanson, Hardy, Haskell, Hawkins, Hayes, Henley, Herrick, Hewes, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Mar-

staller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

**NAY** — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cottrell, Curran, Cyr, Dow, Doyle, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fraser, Gauthier, Genest, Goodwin, Hancock, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rochelleau, Ross, Slane, Smith, D. M.; Smith, E. H.; Tanguay, Theriault, Vincent, Weber, Wheeler, Whitson.

**ABSENT** — Churchill, Fecteau, Gill, Hodgdon, Jalbert, Lessard, Santoro, Sheltra, Starbird.

Yes, 76; No, 65; Absent, 9.

The **SPEAKER**: Seventy-six having voted in the affirmative and sixty-five having voted in the negative, with nine being absent, the motion does prevail.

Sent up for concurrence.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development" (H. P. 897) (L. D. 1217)

Report was signed by the following members:

Mr. **WYMAN** of Washington  
— of the Senate  
Messrs. **HODGDON** of Kittery  
**DONAGHY** of Lubec  
**STILLINGS** of Berwick  
**CURTIS** of Orono  
**MARSTALLER**  
of Freeport  
**HANSON** of Gardiner  
— of the House.

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

Report was signed by the following members:

Messrs. **JOHNSON** of Somerset  
**CLIFFORD**  
of Androscoggin  
— of the Senate.  
Mr. **FARRINGTON**  
of Old Orchard Beach  
Mrs. **GOODWIN** of Bath  
Messrs. **STARBIRD**  
of Kingman Township  
**COONEY** of Webster  
— 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 Majority "Ought not to pass" Report.

(On motion of Mr. Susi of Pittsfield, tabled pending the motion of Mr. Donaghy of Lubec to accept the Majority Report and specially assigned for Wednesday, April 7.)

#### **Divided Report**

Majority Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles" (H. P. 372) (L. D. 478)

Report was signed by the following members:

Messrs. **GREELEY** of Waldo  
**JOHNSON** of Somerset  
**KELLAM** of Cumberland  
— of the Senate.  
Messrs. **WOOD** of Brooks  
**CROSBY** of Kennebunk  
**HALL** of Windham  
**LEE** of Albion  
**DUDLEY** of Enfield  
**LEBEL** of Van Buren  
**KEYTE** of Dexter  
**FRASER** of Mexico  
— of the House.

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

Report was signed by the following members:

Messrs. **BARNES** of Alton  
**MCNALLY** of Ellsworth  
— of the House.

Reports were read.

The **SPEAKER**: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Brooks, Mr. Wood, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. FINEMORE: Mr. Speaker, I would like to make a motion for the indefinite postponement of this bill and all accompanying papers, and speak briefly to my motion.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of both Reports and Bill.

The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: This little bill is a bill they have tried to put by here every year clear back in the 96th and 97th on different items. This bill right here is pertaining only to one group of trucks. It is pertaining to these trucks that haul automobiles, pickups, and so forth, from Massachusetts and other states into here. It wouldn't help—probably only one percent would be our own trucks. And this is going to be an overhang; it is going to be an overhang over and above the 55 feet. It is going to overhang on the front and can overhang on the rear. And this could effect lots of accidents. It is not a safety measure by any means. I hope that you will go along with me in indefinite postponement of this bill.

If you will read the bill you will find that there are troubles, and that is what it actually is for. And as you all heard it debated here in the previous sessions, I have debated it and several others have. I hope you will go along with the indefinite postponement.

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

Mr. HARDY: Mr. Speaker and Ladies and Gentlemen of the House: I don't very often get into somebody else's legislation. But this thing annoys me no end. If you look at the bill it doesn't say how much overhang over the 55

feet. And as the gentleman from Bridgewater, Mr. Finemore, has stated, it can be on both ends. They can stick a car out over both ends.

However, Mr. Barnes does have an amendment which ties the overhang down to five feet. I don't like the bill; and I don't particularly like to give them five more feet even. So I would concur with Mr. Finemore, and hope for the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: I would like to take your time to give a little further explanation of this bill. As you people probably know, nearly all if not all of the new automobiles that are brought into the State of Maine are brought in by these double-deck trailer trucks. These cars are being hauled into the State of Maine now with the overhang exactly as we are asking to be done legally.

This bill was drawn up and written exactly like the law that is now in effect in New Hampshire and several other states. These trucks are loaded with automobiles and come to the Maine border through New Hampshire. To get a permit they have to stop on the New Hampshire side and come into Maine to get a permit to drive in and unload these cars. If they drive across the border they are in violation of the Maine law.

These trucks that come to the Maine border after 4:00 o'clock Friday have to wait until 9:00 o'clock Monday morning to get a permit from the State Highway Commission. And it seems incredible to me that we will continue year after year to deny people that are giving a service to the people in the State of Maine on a little technicality that we don't believe what the other states do should be done in Maine.

Now the fact that this is being done in Maine, and the inconvenience to the people of having to get a permit over weekends and when these loads of cars come in, is not only an inconvenience to

the people that haul them in, but it is an inconvenience to all the people that receive this service here in the State of Maine.

Now I believe this bill should be passed for that reason, that they come here through other states to our border, and then we deny them the right to come in and unload their loads of cars. And I hope that you people will consider this in this way and vote to accept the Majority Report.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I was a signer of the Majority Report, and it was quite a large majority. And I think Mr. Wood has covered this very adequately, except to say, I think, that one big thing that decided me in favor of this bill, one of the big things was this. Western Union always had a service in the State House in Augusta from our New Hampshire border, where they could stop in New Hampshire, send a wire ahead and get this—or they could wire ahead and have this permit ready for them, in a lot of cases before the weekend.

Now Western Union has just recently done away with this service. The only service they have, or the nearest service they have to this State House at the present is the Augusta House. So as long I felt as this wasn't available to these truckers that have come from Detroit or Tarrytown, New York to our Maine border, they couldn't wire ahead and get this permit, and they had to sit there for days to come in and unload automobiles, it was a bit ridiculous. And for this reason I signed the Majority Report, and it didn't seem unreasonable.

And besides, as Mr. Wood has already pointed out, these cars are coming in here every day. The only thing, it is a \$2.00 permit. They don't mind the \$2.00 permit, because it is eventually carried on to the consumer. This they do not mind, these two dollars. What they do mind is that this vehicle is an expensive vehicle, and an expen-

sive union man driving it; and he is tied up under pay for a long period of time at the border. And this adds to the cost of our new automobile when we buy it in Maine. And it seems a useless cost.

These cars are not sticking out where we will hit them. They are way above you. There is a bumper overhang on these trucks hauling automobiles only. I really think it should pass, and I don't think we are being very liberal in extending it. Thank you.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would also like to tell you there is a bill pending now in this body, or to come into this body, to increase the length two more feet, which would make it 57 feet, for all trucks. That would be the trucks they are speaking about here. And I believe when we get up to 57 feet, and as hard as it is to pass some of these trucks on the road now, especially in the wintertime, we are going a little too far.

These trucks are about all gypsy trucks, so-called, and they aren't leaving too much in Maine. They are getting in here and getting out just as quick as they can. I don't think to take off one car is going to be any great expense.

I think the safety angle is the big angle. Today someone will say, "Well, they are too high for an automobile to run into." But are they too high for an automobile to run into? Especially they are not too high for a truck to run into; it hits a truck right in the cab. You have one of these snubnose trucks run under one of these and catch it in the cab, and it is going to kill the operator.

I am strictly not in favor of this bill and I hope you will go along with me. I fought it now for two terms, in fact three terms previous to this. I hope you will go along with the indefinite postponement.

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

Mr. HENLEY: Mr. Speaker, I would like to pose a question

through the Chair to the Chairman of the Transportation Committee, if I may.

The SPEAKER: The gentleman may pose his question.

Mr. HENLEY: Was there any mention in the committee hearing of a record of accidents by these truckers of these new automobiles? I wondered if that came into their hearing at all.

The SPEAKER: The gentleman from Norway, Mr. Henley, poses a question through the Chair to the gentleman from Brooks, Mr. Wood, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. WOOD: Mr. Speaker and Members of the House: I don't think there was any question at the hearing; the people from the State Police were there, and different aspects were mentioned to them, but nothing to my knowledge was said about accidents. But I believe that I have heard it mentioned that there was no accidents ever been caused by these tractors.

And while I am up, I would like to mention one little thing. Mr. Finemore speaks about another bill that talked about a two foot increase. The other bill would have no effect whatever on this bill. It wouldn't enter into it in any way, shape or manner. The other bill that asks for a two foot increase merely asks that the truck owners continue to use a tractor that is somewhat longer than the modern tractors that are being purchased today. The trailer itself is amended in that bill so it never can be any longer without a further act of this Legislature.

This bill doesn't allow for the length increase in the trailer that hauls these automobiles. It merely asks that when they are hauling larger cars than the Volkswagen or Saab, or some small cars that there is plenty of room to put in the cab anyway, that they can extend this a bumper length, or whatever length, beyond the wheels, or a little of it over each end.

There is an amendment for five feet, but that five feet wouldn't be used on any one end. And that is all in the world this

would do. If they happen to have a load of large cars coming in, they can extend over the same as the State of New Hampshire and other states allow them to do to come to our borders. And that is all it will do; it will have no effect on the other bill that increases the length by two feet.

Mr. Finemore of Bridgewater was granted permission to speak a third time.

Mr. FINEMORE: Mr. Speaker and members of the House: I am amazed this morning to hear the gentleman from Brooks, Mr. Wood, say there has been no accidents. Are we going to wait and lock the door after the hens are stolen because there hasn't been an accident? There can be one.

And he mentions the two feet. The two feet is not exactly the way he explains it. The two feet is the length of the vehicle. I will agree there is no increase in the trailer, but these trailers right here could stick a car out there two feet. The two feet on each end, or on one end, that is going to make a lot of difference on our highways. I know the people who travel back and forth up in Aroostook County and Penobscot County and even south, and have to pass these trucks, I know that they find that 55 feet is plenty long enough. And I hope you will go along with my motion.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I just want to make one point. This doesn't stop the trucks from coming in here; this doesn't increase them coming in. Maine people buy just so many cars every year, and with the depression we seem to be having at the present time they seem to be buying less cars, so probably less of those trucks will be in here.

But the point is this. This bill does not stop them from coming in here, it merely stops them from getting a permit which they are having a hard time to get since Western Union moved out of the State House over to the Augusta House. Thank you.



The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that both Reports and Bill "An Act relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles," House Paper 372, L. D. 478, be indefinitely postponed. The Chair will order a vote. All in favor of the motion to indefinitely postpone both Reports and Bill will vote yes; those opposed will vote no.

A vote of the House was taken. 51 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and assigned the next legislative day.

#### Passed to Be Engrossed

Bill "An Act Authorizing Use of Name Maine School of Underwater Diving" (S. P. 320) (L. D. 934)

Bill "An Act Creating the Interstate Compact on Detainers" (H. P. 531) (L. D. 721)

Bill "An Act Revising the Laws Relating to Probation and Parole" (H. P. 568) (L. D. 744)

Bill "An Act to Improve the Protection of Certain Confidential Records" (H. P. 875) (L. D. 1196)

Bill "An Act to Amend the Charter of the Jackman Sewer District" (H. P. 947) (L. D. 1306)

Bill "An Act relating to the Reporting of Traffic Accidents" (H. P. 1243) (L. D. 1552)

Bill "An Act relating to the Sale of Alcoholic Beverages at International Air Terminals" (H. P. 1245) (L. D. 1554)

Bill "An Act Clarifying Duties of Treasurer of State Relating to Securities" (H. P. 1247) (L. D. 1556)

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

#### Amended Bills

Bill "An Act Increasing the Coverage and Entry Fee of Small Claims Law and Defining Certain Procedures" (H. P. 221) (L. D. 303)

Bill "An Act to Set the Rate for Voting Lists Based upon the Cost of Preparing the Lists" (H. P. 877) (L. D. 1198)

Bill "An Act Improving the Control of Absentee Ballots Issued" (H. P. 878) (L. D. 1199)

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.

Bill "An Act relating to Temporary Loans by the State" (S. P. 489) (L. D. 1381)

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

(Later Reconsidered)

Bill "An Act relating to Service Retirement of Liquor Inspectors" (S. P. 245) (L. D. 706)

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

On motion of Mrs. Lincoln of Bethel, the House reconsidered its action of yesterday whereby Committee Amendment "A" was adopted.

On further motion of the same gentlewoman, Committee Amendment "A" was indefinitely postponed in concurrence.

The Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

#### Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1971 (H. P. 1217) (L. D. 1408)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by

the Speaker and sent to the Senate.

**Emergency Measure  
Tabled and Assigned**

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

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

(On motion of Mr. Donaghy of Lubec, tabled pending final passage and specially assigned for Tuesday, April 6.)

**Enactor  
Tabled and Assigned**

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

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

(On motion of Mr. Donaghy of Lubec, tabled pending passage to be enacted and specially assigned for Tuesday, April 6.)

**Passed to Be Enacted**

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

An Act relating to the Requirement That the Boundary Lines of Voting Districts in Municipal Elections Follow Streets (H. P. 765) (L. D. 1031)

An Act relating to Retirement of Police Officers and Fire Fighters (H. P. 1226) (L. D. 1432)

An Act Permitting Maine Port Authority to Operate Certain Charter Service in Addition to Maine State Ferry Service (H. P. 1227) (L. D. 1433)

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:

**SENATE REPORT** — Leave to Withdraw—Committee on Election Laws on Bill "An Act relating to the Number of Signatures Required on Nomination Papers" (S. P. 32)

(L. D. 65) — In Senate, read and accepted.

Tabled — March 26, by Mrs. Boudreau of Portland.

Pending — Acceptance in concurrence.

On motion of Mrs. Brown of York, retabled pending acceptance in concurrence and specially assigned for Wednesday, April 7.

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

**SENATE DIVIDED REPORT** — Report "A" (6) "Ought to pass" — Report "B" (6) "Ought not to pass" — Committee on State Government on Resolution Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of gubernatorial Appointments and Their Confirmation (S. P. 167) (L. D. 439)— In Senate, Report "A" accepted and Resolution passed to be engrossed.

Tabled — March 26, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Donaghy of Lubec to accept Report "B."

On motion of Mr. Martin of Eagle Lake, tabled pending motion of Mr. Donaghy of Lubec to accept Report "B" and specially assigned for Wednesday, April 7.

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

Bill "An Act relating to Reimbursements for Professional Credits of Teachers" (H. P. 1120) (L. D. 1411)

Tabled — March 26, by Mr. Millett of Dixmont.

Pending — Motion of Mr. Dyar of Strong to indefinitely postpone.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I won't take much time to explain this bill further, but many of you might recall, a week ago I explained part of the bill in terms of what this section 1902 really contains. The point raised by the gentleman from Strong, Mr. Dyar relates to another part, and I will briefly read two sentences and you

can decide yourself whether you feel that this section should remain in law.

Section 1902 begins, "Whenever any certified teacher completes, within any two year period, six credit hours of additional professional work approved by the superintendent, the teacher shall receive an amount of not less than \$100 from the administrative unit." The second sentence, which is the key one in my mind, says, "Expenditures for this purpose shall be included as a proper cost in calculating expenditures which may be reimbursed by the state under the Foundation Program, as defined by Section 3721, Subsection 2." The rest of the bill deals with certification requirements which I had pointed out earlier, are covered by prerogatives used by the commissioner.

Now on this issue of reimbursement for professional credits, the one sentence which I object to is the second sentence, which is really outdated in terms of the subsidy law which we now have in existence. The state no longer does reimburse money to the units for the purpose of professional credit reimbursement. I also pointed out earlier that negotiations have made it possible for this issue to become a local issue exclusively.

Now some of you seem to feel that the first sentence which I read does give some basis for teachers at the local level to bargain on the basis of a one hundred dollar figure. I don't really feel that is a good point because the one hundred dollars is a minimum point, not a maximum, which many of you I think believe it to be.

I am not really too up tight about this bill, and I am not going to make any motion. I just wanted to explain it. If you feel that it should remain in law you would vote to indefinitely postpone the bill. If you feel that the outdated language, which is really inconsistent, should not be part of our statutory law you would vote against the indefinite postponement.

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

Mr. DYAR: Mr. Speaker and Members of the House: It has been said that I didn't understand this bill, and probably my intelligence has been dulled with much thought, but I do think that the present statute, as Mr. Millett has said this morning, does set a figure of \$100.

Now if the Committee on Education was in doubt about the hundred dollar figure, I feel that it was their general responsibility to change that figure by lowering it or by adding money to it. But when the Repeal Law threw it back on the school districts to arbitrate — I would like to point out again the word arbitrate—I don't think the districts can afford it. I think it is our responsibility here to set this. And I feel where there was a question on the amount of money to be received for professional credits, that this should have been discussed in the committee at the public hearing and a new figure determined.

At this time I do not feel that the districts in the State of Maine can afford to retain legal counsel on a year round basis to arbitrate on all these issues.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to emphasize that I am only speaking for myself and not for anyone else. I also wish to perhaps indicate that I am going to wear a conservative hat this morning, if that is possible for any of you to believe.

But let me relate to you why I am opposed to this bill, ladies and gentlemen of the House. The money angle doesn't bother me, if we leave it in the law or remove it, because if we remove it, as the gentleman from Strong, Mr. Dyar, pointed out, then it is going to be negotiated or arbitrated and the school districts are going to reimburse the teachers anyway.

What bothers me is the repeal of a section in the law which would, in effect, tell the local school boards and the local teachers that they don't have to go back or return to school after they are out of college unless the Com-

missioner of Education makes a rule and regulation telling them that they have to.

I happen to be a school teacher every now and then, and I happen to believe that the more exposure the teacher gets to education outside of his own school district, the better that teacher is going to be. Many teachers, once they are in a system, are content and happy, they have tenure, they are not bothered. And if they now realize that they don't have to go back to school, they are not going to. Let's not kid ourselves. If the teacher, we feel, ought to go back to school, then we ought to make some regulations here.

I happen to be one of those who believe that every so often a teacher ought to get a little bit of education herself. Some of you may say that they are going to be taking "Mickey Mouse" courses; that could be. Some of the poorer teachers will. But at least even that "Mickey Mouse" course is going to be different than what they have been teaching. And maybe, just maybe, they are going to meet a teacher that gives them a little bit of something on how to teach.

Now I know that perhaps from a selfish point of view I ought to support this repeal, as I indicated before, because if this law goes through it means I don't have to go to school this summer if I want to go back to teaching. But I think that as a teacher, and also as a non-teacher, I ought to believe that a teacher ought to go back to get a little bit of training every now and then. It isn't going to kill them and it is going to help the children in the long run.

So I hope that you vote to indefinitely postpone this bill.

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

Mr. HASKELL: Mr. Speaker and Members of the House: I would like to emphasize once more that this section of the law came onto the books at a time when there was no alternative to handling this problem than to handle it at the state level.

The majority of the Committee on Education feels that we now

have a situation where this problem can better be resolved at the local level. So for the ardent advocates of home rule, this certainly is an opportunity to put a problem back on the local level that has been decided for quite a number of years at the state level.

We do have an opportunity here and now to remove from the laws a section that is no longer necessary or is no longer useful, and we can return the problem to the local community where it probably belongs.

The SPEAKER: The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that this Bill, "An Act relating to Reimbursements for Professional Credits of Teachers," House Paper 1220, L. D. 1411, be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought not to pass" — Minority (2) "Ought to pass" — Committee on Fisheries and Wildlife on Bill "An Act relating to Decision of Commissioner of Inland Fisheries and Game after Hearing for Construction and Repair of Fishways" (H. P. 739) (L. D. 1001) Tabled—March 30, by Mr. Carter of Winslow.

Pending—Motion of Mr. Porter of Lincoln to accept Majority Report.

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

Mr. LEWIN: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I would request that this be tabled for one legislative day pending acceptance.

Whereupon, Mr. Porter of Lincoln requested a vote on the tabling motion.

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

A vote of the House was taken.

39 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. Porter, that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: This bill does not do very much to the present law except that it clears the air a bit, I think. This corrects an omission that was not included in the law when it was first passed in 1965, I believe, during the 102nd Session. What it does is make sure that any decision reached by the Fish and Game Commissioner, or whomever he appoints to conduct the hearing, that the decision will be made on the evidence presented at the hearing, and based on such a decision, there can be no repercussions from anybody saying that the hearing was not just. They cannot say that the Commissioner was not fair. This would merely assure that the hearing was fair to everybody. And this is the only reason this bill has been introduced.

I would hope that you would go along with me and defeat the "ought not to pass" motion and accept the "ought to pass" report.

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

A vote of the House was taken.

80 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act relating to Riding in Trailers" (H. P. 471) (L. D. 599)

Tabled—March 30, by Mr. Kelley of Machias.

Pending—Motion of Mr. Simpson of Standish to adopt House Amendment "B" (H-76)

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The committee and I are attempting to work out another amendment to this that would be palatable to all, and we have it at the present time in the Attorney General's office and it has not been returned to us. I would ask that somebody therefore table this for us for two legislative days.

Thereupon, on motion of Mr. Ross of Bath, retabled pending the adoption of House Amendment "B" and specially assigned for Wednesday, April 7.

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

HOUSE JOINT ORDER — Re State Controller Furnishing List of State Employees with their Salaries.

Tabled — March 31, by Mr. Birt of East Millinocket.

Pending — Passage.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I have no fervent feelings about this particular motion of mine, but I have referred to it several times because people have asked me about information about the various categories of salaries in their respective areas. And as I say, I am not going to belabor this, I just simply say that I think the newer members of the House are entitled to know, and perhaps will be asked these same questions that I have over a period of time.

And so I just simply say this, that I introduced this in good faith and I don't think—some people have implied that this information has been misused, I don't know. I think it is fairly common knowledge that we all know what we get for salaries as Representatives, we know what the Governor gets for a salary, and I think that if

sometimes we do have to refer to this and give an honest answer to somebody that asks the question, I think that we are entitled to have it at home so that we can use it and not necessarily have to come to Augusta, like say August or September, to get the information. And this is the only thing that I will say about this. And I move the Joint Order have passage.

Whereupon, on motion of Mr. Bragdon of Perham, retabled pending passage and specially assigned for Wednesday, April 7.

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

HOUSE JOINT ORDER — Re Submission of I. B. No. 1 "An Act to Repeal the Maine State Income Tax" to the people. (H. P. 1241)

Tabled — March 31, by Mr. Porter of Lincoln.

Pending — Passage.

On motion of Mr. Susi of Pittsfield, retabled pending passage and specially assigned for Wednesday, April 7.

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

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

Tabled — March 31, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted. (roll call ordered)

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This bill was the subject of quite some discussion yesterday. Since that time there has been circulated on your desks a letter from George West, Deputy Attorney General, in which he explains why he requested that the bill be drawn up. It would leave the Maine Cultural Building Authority in existence for about a year after the acceptance of the building, so that if there are any questions about the quality of the work or if any areas of malfunction were found, then these could be covered by the Cultural Building Authority, which was the

Authority that was responsible for building this building.

I have also this morning a letter from Niram Bates, Director of Bureau of Public Improvements, who is also chairman of the Cultural Building Authority, and he feels that this Authority should be kept in existence for a longer period of time. It says, "The purpose of L. D. 1016 is to assure the continuation of the Authority to a point in time beyond the completion date for the purposes set forth in the Act.

At the present time, the Building Authority is under contract with the Architect and the General Contractor under terms which require the Architect to report back to the Authority and the General Contractor to guarantee the building for one year following the acceptance of the building. With the completion of the building scheduled for the 15th of May, 1971, it would mean that the contract would not be legally terminated until 12 months later, or some time in the late spring or early summer of 1972.

Since there will be unresolved questions and the possibility of claims against the project which might extend beyond that date, it would seem reasonable to extend the Authority to the date set forth in the Bill.

For the sake of continuity and the completion of the project by all contracting parties, we respectfully urge that the Legislature act favorably upon this Act."

This last sentence is just a personal opinion of Mr. Bates.

But I believe for these reasons that the bill should receive passage, and I would hope that when you vote on this roll call you will vote for enactment.

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

Mr. CAREY: Mr. Speaker and Members of the House: This bill and its emergency clause pretty much makes a farce of the Emergency Preamble requirements. And I would point out to you, if you don't have it before you I will read some of these things into it. The Emergency Preamble says, "Whereas, the Cultural Building, so

called, will be completed this spring.” — It is anticipated that the dedication date will be the 26th of May — “and Whereas, the Maine Cultural Building Authority may pass out of existence” — I would tell you that when this building is completed they will pass out of existence according to chapter 259 of the Private and Special Laws of 1965— “Whereas the Authority should continue in existence for at least a year following the completion” — It seems strange that if they are to be in existence for a year following the completion, and Niran Bates so requested, that the bill would ask for a December 31, 1972 deadline. This is a year and a half in my figuring, and I don't know how the rest of you people figure.

I am also in receipt here of a letter from the Attorney General's office which I think all of you have and it was addressed to the Honorable Richard N. Berry, who is the Senator from Cumberland. It seems strange that we also find Senator Richard N. Berry's name on the Maine State Museum Commission, who is a member of the Cultural Building Authority.

I think there is someone else here who may speak about the total cost of this thing, but in the bill that set this thing up originally the cost of the building was not to exceed \$4,800,000. I think you will find that the cost has exceeded that figure by a considerable sum. And in the document that we passed this morning, 1408, you will find that there is another \$67,000 for them to spend in the shelving for the Cultural Building as well as the Part I Budget, which is legislative document 1577, contains another \$26,000 for more shelving. And I am telling you that if these people are not thanked for the job they have done and then abolished, then the cost will rise even more.

As for what we in the construction industry call a punch list, after a building is completed there is a year in which there is a number of small items that come up that have to be taken care of by the contractor, and that is what we call a punch list.

Now this punch list, if you will recall, when you start thinking back home about the school build-

ing committees that are set up to hire an architect and contract for the construction of a school and see that the school is built, they stay as a body until the building is accepted, then the committee is dissolved. The Superintendent of Schools takes care of the so-called punch list.

Now there is no reason in the world to believe that the Bureau of Public Improvements for which we budget a quarter of a million dollars annually, or the Property Management Division, for which we budget a million dollars annually—there is no reason to believe that this body, or any one of these two bodies couldn't take care of this punch list. As a matter of fact, this is part of why they were set up. And interestingly enough, Mr. Niran Bates happens to be in the Bureau of Public Improvements.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: Just a few more remarks on this particular item. As Mr. Carey has stated, that the public laws said that they were allowed to spend \$4.8 million to date, they have spent \$5,149,000; and with the additional requests that are in L. D. 1408 for \$67,000, and in L. D. 1577 for \$26,000, this will give them a total of \$93,000 more to spend.

So the building is there; it is all built. As far as putting anything into the building, this ninety-three odd thousand dollars will take care of that. And we all know the state is in dire need of office space. And if this commission is terminated we possibly could use the building on a temporary basis; and I say only temporary, because that is all the law would allow. And I think maybe for the betterment of good government in the state and to save the taxpayers a little money, and this commission has done a wonderful job, that we should terminate it right here this morning.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: It

grieves me deeply to rise in opposition to my good friend Mr. Kelleher from Bangor. But I think that we must go along a little longer with this Cultural Building Authority. It is quite irrelevant whether there is an overrun or not. Actually, I understand that this so-called overrun actually was additional money given to the library, which is by the federal government, and has basically nothing to do with what it has cost the state.

However, it would be only good business to have the Authority around to take part of the State of Maine in any dealings with the contractor. I am afraid we have talked in the past about insurance men's bills, and lawyers' bills; I think that we would be involving ourselves in a contractors' bill if we did away with the Authority who must deal with the contractors after the building is built.

We haven't accepted it, and it is doubtful it will be accepted before the Authority runs out. So we must continue this Authority.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: There are many questions that come up in my mind with regard to whether or not we should terminate this Authority or not. I think there is merit in the argument of the gentleman from Bangor that possibly it might be a long process to complete making all of the installments that will be put in this pretty good sized building. I have been in it, and I know there is a considerable amount of space there.

And I know there is considerable discussion as to whether or not perhaps on a temporary basis the Legislature might see fit rather than possibly building now at this time a new office building, that possibly that might be delayed by using certain parts of this building for some other purpose than that which it was originally intended.

In my own mind I think possibly the Cultural Building Committee might persist in their original intent for the completion of the building to the extent of having a deterrent effect on using parts

of this building for a year or two for the purposes which I think personally might be practical.

I really feel that we should at this time terminate the committee and leave this thing wide open.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would like to go along with Mr. Bragdon on that. Many of us have come down here a little discouraged that something like \$5 million is put into this building for a museum or archives, and so forth, when there are priorities in this state that we feel need considerable more improvement, and a chance for state funds.

And we also have found out while we are here that many of these agencies do need extra office space. This building is in an excellent location for us as legislators to reach this office space, and I also notice that we can travel up to a shopping center sometimes to find some of these agencies when we need information. I do believe that this building can be used for temporary office space and would stick to that motion. Thank you.

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

Mr. SUSI: Mr. Speakers and Ladies and Gentlemen of the House: There have been some questions raised on this that I will attempt to answer. One speaker indicated that May 26 would be the dedication, and the statute indicated that when the building is completed the need for the Authority no longer exists, and it will be dissolved. And the implication is that May 26 is automatically the dissolution date for the Authority.

Well, it also has been indicated by another speaker, I believe, that there is a one year guarantee period which the contractors are committed to, during which time if there are cracks in the walls or floors or ceilings, or all of the many things that can happen to a new building, the contractor is responsible to the state to make the corrections under the contract.

Now the Authority is the group that has been charged by the state to act in behalf of the state with



the contractor, and I believe that we shouldn't at this time shift this responsibility from the Authority to some other body.

Now I sense a feeling of outrage in many of the members here at the tremendous cost and the purpose of this building, and I tell you sincerely that I can share this sense of outrage with you. But I don't think that you are accomplishing your purpose by dissolving the Authority at this time. I don't believe that this does get at that question, and so I hope that you separate the popularity of the building, the purpose of the building and its cost from the exact problem that we are facing here this morning.

There have also been indications by some of the speakers that we will be able to use space in this building for office space, if we dissolve the Authority. Now, I have been assured definitely that once this building is operable, the Bureau of Public Improvements will be the outfit that is in charge on the allocation of office space in this building, and that the Authority will have nothing to say on this. So that we will be able to use this for office space regardless of the existence of the Authority or not.

So I hope that you go along and we can get the two-thirds for the continuance of this Authority this morning. Thank you.

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

Mr. DAM: Mr. Speaker and Members of the House: I will be very brief. There has been much said on this Authority, and on the building next door, about using this building for office space. I would like to remind the people of this House that the State of Maine populationwise has not increased too much; state government has increased tremendously over the past years. And I would suggest that instead of looking for new office space, to increase the agencies any further, that there be some kind of looking towards streamlining the agencies and reducing the number of employees so that we don't have to keep finding office space and building new buildings

and spending the money of the people of the State of Maine.

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

Mr. McNALLY: Mr. Speaker, I would like to pose a question through the Chair if I might to one of the contractors on the building. It is my understanding that the BPI is the one that the contractors do business with, not the Authority. I believe that Mr. Lee here was one of the contractors on that building if he would care to answer.

The SPEAKER: The gentleman from Ellsworth, Mr. McNally, poses a question through the Chair to the gentleman from Albion, Mr. Lee, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. LEE: Mr. Speaker and Members of the House: As one of the prime contractors on the original foundation of the Cultural Building, our contacts were directly with Niran Bates of the BPI, and I believe that they are the contracting authority. I don't know that I am qualified to say whether we should have the Building Authority continued or not.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I would point out that Niran Bates as director of BPI is also the Chairman of the Cultural Building Authority, and I believe in his role as the Chairman of the Cultural Building Authority that he did the contracting, in my understanding.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When the building is accepted, whether Mr. Bates is chairman of the Authority or not, the contractor for one year, as far as performance is concerned, is entirely in the hands of the BPI, which is our agency in these areas.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Apparently we have gotten

involved in determining that we have too many state employees, that we ought not to have constructed the building, that we ought not to perhaps even be here, and maybe that is a good idea. But let me just very briefly tell you the history of this thing.

In 1965 the Legislature passed Private and Special Law Chapter 259, which authorized the Maine Cultural Building Authority to construct what some of us and some of you call the monstrosity. At that point it was sent to the voters of this state. And they approved the construction of that building. I feel sure that if that vote were to be taken today that that building would not have been started.

But the argument before us is not whether or not the building ought to be there, because the people of this state have spoken. The argument as I understand it, and if I am wrong I really hope someone would clarify it, that the only thing that this bill does is to extend the commission or the Authority for approximately a year and a half, so that if there should be any problems with the construction, then the Authority will be in a position to handle it.

I have been assured that if there is space in that building that we can use, then we will be in a position to use it on a temporary basis, notwithstanding any objections of the Authority or anyone else that happens to be on the Cultural Building Authority. I have been assured that if there are any problems, the problems have to be taken care of by the Maine Cultural Building Authority for that one year. Now I don't know whether this is true or not, because I am not a contractor; I am not a member of the Maine Cultural Building Authority. But I must admit that I honestly don't know what the problem is. I really don't know that this creates much of a problem by passing this bill.

And Mr. Speaker and Ladies and Gentlemen of the House: I would just make one comment before I sit down, and I will vote for final passage, for any of you who have received any mysterious notes from either the Minority Floorleader or the Assistant Minority Floorleader that you ought to vote against this

bill, those notes did not come from this end of the building.

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

Mr. CAREY: Mr. Speaker and Members of the House: For the benefit of the Minority Leader I would point out to him that the notes did not originate from this area either and I would certainly hope that he doesn't turn to this tack. I would also hope that the people of this House are not intimidated by the use of a roll call method to support this measure.

The SPEAKER: All in favor of An Act Continuing the Maine Cultural Building Authority, Senate Paper 348, L. D. 1016, being enacted as an Emergency Measure will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Ault, Barnes, Bartlett, Bedard, Bernier, Berube, Birt, Bither, Boudreau, Brawn, Brown, Bustin, Clemente, Collins, Cottrell, Crosby, Cummings, Curran, Curtis, T. S., Jr.; Donaghy, Dow, Doyle, Drigotas, Dyar, Evans, Farrington, Faucher, Fraser, Gagnon, Goodwin, Hancock, Hanson, Haskell, Hawkens, Hayes, Herick, Hewes, Immonen, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lewin, Lewis, Lincoln, Lund, Marsteller, Martin, McCloskey, McKinnon, Millett, Mills, Murray, Norris, Parks, Payson, Porter, Pratt, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, Vincent, White, Whitson, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Albert, Bailey, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bourgoin, Bragdon, Bunker, Call, Carey, Carrier, Carter, Churchill, Conley, Cote, Curtis, A. P.; Cyr, Dam, Dudley, Emery, D. F.; Emery, E. M.; Fecteau, Finemore, Gauthier, Genest, Good, Hall, Hardy, Henley, Jalbert, Kelleher, Keyte, Lawry, Lee, Littlefield, Lizotte, Lynch, MacLeod, Mahany, Manchester, Marsh, McCormick, McNally, Mosher, O'Brien, Orestis, Page, Pontibriand, Rand, Rocheleau, Rollins,

Silverman, Tanguay, Theriault, Webber, Wheeler.

ABSENT — Clark, Cooney, Gill, Hodgson, Jutras, Lessard, Lucas, Maddox, McTeague, Morrell, Santoro, Sheltra, Starbird, Williams.

Yes, 79; No, 57; Absent, 14.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-seven in the negative, with fourteen being absent, the Bill fails of enactment.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) "Ought to pass in new draft"—Minority (2) "Ought not to pass"—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)—New Draft (H. P. 1238) (L. D. 1524) under same title.

Tabled — March 31, by Mr. Kelleher of Bangor.

Pending — Motion of Mr. Donaghy of Lubec to accept Majority Report.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Donaghy of Lubec to accept the Majority Report and specially assigned for Tuesday, April 6.

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

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

Tabled — March 31, by Mrs. Lincoln of Bethel.

Pending — Passage to be enacted.

On motion of Mrs. Lincoln of Bethel, under suspension of the rules, the House reconsidered its action of March 24 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto.

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

House Amendment "A" (H-99) was read by the Clerk and adopted.

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

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

Bill "An Act relating to Use of Lights While Locating or Taking Raccoon Found by a Dog" (H. P. 527) (L. D. 689) — In the House, House Amendment "A" (H-79) adopted. Bill Indefinitely Postponed — In Senate, passed to be engrossed without amendment in non-concurrence.

Tabled — April 1, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Vincent of Portland to recede and concur.

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

Mr. BROWN: Mr. Speaker, I move for a division and wish to speak to my motion.

The SPEAKER: A division has been requested. The gentleman may speak to the motion of receding and concurring.

Mr. BROWN: Mr. Speaker and Members of the House: There are many things in this bill which haven't even been discussed up to now; in fact one is the Statement of Facts. "The intent of this bill is to increase the amount of light permitted while locating or taking an animal found by a dog."

Now if this is true your farmer could not go out here and get a coon unless he has got a dog. This is a change. The original law said taking coon in the nighttime. Now it says here to increase for more light to 4 cells. There isn't any, and this would be just the same idea as having a scout with a 5 cylinder to hunt him with, because there isn't any of those either.

I hope that every one of you will go along and vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: On the way to the session this morning I stopped at a local sporting goods store to look at the flashlight display and I asked for and obtained a 3-cell flashlight; and I asked for a 4-cell flashlight and was told none were available, I could have a 5, a 7, or a 9.

I then asked for a 6-volt dry cell hand light and obtained one. This is an inexpensive 6-volt light, \$6.95. You can get more expensive ones with a seal beam lamp in it. I would just like to show you the difference. It is very light in here but you can see this light here; and look at that one, which is considerably more powerful.

The SPEAKER: The Chair would advise the House that the Chair has given the gentleman special permission to make a demonstration.

Mr. AULT: Thank you, Mr. Speaker. (laughter) He would not allow me to turn off the lights.

I would just like to point out that if I desired some venison in coon season I would much prefer to have this light in my hand, and I would hope that we would adhere and defeat this motion to recede and concur. Thank you.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to clarify one point. The more expensive light that the gentleman from Wayne had in his hand is considered in the trade as a lantern. The 4-cell light that Mr. Vincent of Portland has referred to as being a 4-cell flashlight takes four D size batteries. It is also referred in the trade as a lantern.

The SPEAKER: The pending question is on the motion of Mr. Vincent of Portland to recede and concur. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 102 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

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

Bill "An Act to Create a School Administrative District in the Town of Madawaska" (H. P. 641) (L. D. 871)

Tabled — April 1, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

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

Mr. DAM: Mr. Speaker, I have an amendment being prepared which is not prepared yet, and hopefully I would request that someone would table this for a day.

Whereupon, on motion of Mrs. Baker of Orrington, retabled pending passage to be engrossed and specially assigned for Tuesday, April 6.

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

Bill "An Act relating to School Administrative District Elections" (H. P. 1237) (L. D. 1523)

Tabled — April 1, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

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

House Amendment "A" (H-101) was read by the Clerk.

Whereupon, on motion of Mr. Millett of Dixmont, tabled pending adoption of House Amendment "A" and specially assigned for Tuesday, April 6.

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

Bill "An Act relating to Precautions at Railroad Crossings" (H. P. 1240) (L. D. 1527)

Tabled — April 1, by Mr. Marstaller of Freeport.

Pending — Passage to be engrossed.

Mr. Marstaller of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-100) was read by the Clerk.

Whereupon, on motion of Mr. Genest of Waterville, tabled pending adoption of House Amendment "A" and specially assigned for Wednesday, April 7.

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

An Act relating to the Control of Dogs (H. P. 270) (L. D. 359)

Tabled — April 1, by Mr. Susi of Pittsfield.

Pending — Motion of Mr. Call of Lewiston to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Westfield, Mr. Good moves the previous question. For the Chair to entertain the motion for the previous question it must have the consent of one third of the members present and voting. All members desiring the previous question to be entertained will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: A sufficient number having voted in the affirmative, the previous question is entertained. The question now before the House is, shall the main question be put now, which is debatable for five minutes by any member. Shall the main question be put now? All in favor answer yes; those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Call that this Bill 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. 57 having voted in the affirmative and 64 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 SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, in reference to item 12 on page ten, Bill "An Act relating to Temporary Loans by the State," Senate Paper 489, L. D. 1381, I would now move that we reconsider our action of earlier in the day whereby the bill was passed to be engrossed as amended, and would speak to my motion.

Thereupon, the House reconsidered its action whereby the Bill was passed to be engrossed as amended.

On motion of the same gentleman, tabled pending passage to be engrossed and specially assigned for Tuesday, April 6.

(Off Record Remarks)

On motion of Mr. Porter of Lincoln,

Adjourned until Tuesday, April 6, at ten o'clock in the morning.