

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

Tuesday, April 6, 1971

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

Prayer by the Rev. Mr. Richard Rice of Waterville.

The members stood at attention during the playing of the National Anthem by the Belfast Area High School Band of Belfast.

The journal of the previous session was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act relating to Installation of Sprinkler Systems in Existing Hotels" (S. P. 328) (L. D. 976)

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Waiver of Complaint in the District Court and Waiver of Indictment in the Superior Court" (S. P. 86) (L. D. 180) reporting same in a new draft (S. P. 529) (L. D. 1546) under title of "An Act relating to Jurisdiction of the District Court in Certain Felony Cases" and that it "Ought to pass"

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

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

Tabled and Assigned

Report of the Committee on Judiciary on Bill "An Act relating to Disturbing Schools" (S. P. 222) (L. D. 668) reporting same in a new draft (S. P. 530) (L. D. 1547) under same title and that it "Ought to pass"

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

In the House, the Report was read.

(On motion of Mr. Martin of Eagle Lake, tabled pending

acceptance of Report in concurrence and tomorrow assigned.)

Report of the Committee on State Government on Bill "An Act relating to Terms of the Members of the Land Damage Board" (S. P. 165) (L. D. 487) reporting same in a new draft (S. P. 527) (L. D. 1545) under same title and that it "Ought to pass"

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

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

Ought to Pass

Report of the Committee on Public Utilities reporting "Ought to pass" on Bill "An Act relating to Rates of the Waldoboro Sewer District" (S. P. 381) (L. D. 1138)

Report of same Committee reporting same on Bill "An Act relating to Service Charges for Sewage Disposal" (S. P. 394) (L. D. 1172)

Report of the Committee on State Government reporting same on Bill "An Act relating to Discrimination under the Personnel Law Because of Age" (S. P. 420) (L. D. 1235)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to Removal of Packing from Journal Boxes of Railroad Equipment" (S. P. 230) (L. D. 676) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-60) was read

by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Concerning the Age of State Representatives (S. P. 168) (L. D. 490)

Report was signed by the following members:

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

Messrs. HODGDON of Kittery
FARRINGTON
of Old Orchard Beach
STARBIRD
of Kingman Township
STILLINGS of Berwick
HANSON of Gardiner
M A R S T A L L E R of
Freeport
DONAGHY of Lubeç

— of the House.

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

Report was signed by the following members:

Mr. COONEY of Webster
Mrs. GOODWIN of Bath
Mr. CURTIS of Orono
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. On motion of Mr. Donaghy of Lubeç, the Majority "Ought not to pass" report was accepted in concurrence.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE

April 2, 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 Salaries of

Substitute Teachers and Adjusting State Subsidy to an Administrative Unit" (S. P. 517) (L. D. 1402):

Senators:

KATZ of Kennebec
DUNN of Oxford
GREELEY of Waldo

Respectfully,

(Signed)

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

The Communication was read and ordered placed on file.

The following Communication:
ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on April 1, 1971.

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

ANSWER: We answer in the negative.

¹The leading decision in Maine concerning the amendment creating the people's initiative, **Farris, Att. Gen. v. Goss** 143 Me. 227, 60 A. 2d, 908 (1948), discloses that the initiative

"... made a fundamental change in the existing form of government in so far as legislative power was involved. Formerly that power was vested in the House of Representatives and the Senate. By the amendment the people reserved to themselves power to propose laws and to enact or reject the same at the polls independent of the Legislature." (p. 230)

¹We emphasize that our decision to answer this question is without significance to indicate

acceptance, or approval, of the correctness of a premise which seems to underlie the question. The House appears to have assumed that a bill validly initiated becomes a "measure that is subject to a vote of the people" (and, hence, within the language, "The Legislature may order a special election on any measure that is subject to a vote of the people"), when the Legislature merely "proposes" to refrain from enacting the bill without change, or otherwise taking action regarding it or its subject matter, and even though the Legislative session to which the initiated bill is presented is intended to continue while, and after, a "proposed" submission by the legislature of the measure to the people occurs.

The validity of this assumption by the House is open to doubt.

Furthermore, this

"right of the people . . . to enact legislation . . . is an absolute one and cannot be abridged directly or indirectly by any action of the Legislature." (p. 231)

Finally,

"Neither by action nor by inaction can the Legislature interfere with the submission of measures as . . . provided by the Constitution." (p. 231)

Our primary consideration, therefore, must be that by the initiative amendment the people, as sovereign, have retaken unto themselves legislative power and that a particular undertaking by them to exercise that power shall be liberally construed to effectuate the purpose.

It is in accordance with this principle of liberal construction to avoid potential abridgement, or impairment, of the plenary exercise of legislative power by the people that we must evaluate the constitutional provisions which relate to the holding of special elections for the enactment, or rejection, at the polls of measures initiated by the people.

Article IV, Part Three, Section 18 of the Constitution delineates a **general rule** that initiated measures shall be voted upon

"at the next general election held not less than sixty days after the

recess of the Legislature, to which such measure was proposed."

Section 18 goes further, however, and introduces flexibility to allow accommodation to particular circumstances which might arise and which might involve the desirability of a departure from the general rule. Section 18 says in reference to

"any measure proposed to the Legislature . . . and not enacted by the Legislature without change"

(1) "The Governor **may** . . ." and
 (2) "if so requested in the written petitions addressed to the Legislature", the Governor "**shall**, by proclamation, order any measure proposed to the Legislature . . . and not enacted without change, referred to the people at a special election to be held not less than four nor more than six months after such proclamation." (all emphases supplied)

Careful examination of this constitutional language dealing with the authority for a special election reveals that it omits a specification of a time interval within which the proclamation of the Governor shall be made. Our opinion is that since the proclamation must await ascertainment of whether the "measure proposed to the Legislature . . . (was) not enacted by the Legislature without change", the proclamation must be made by the Governor subsequently to the recess of the session of the Legislature to which such measure was proposed. The fact which is the operative condition precedent of the Governor's proclamation — the failure of the legislature to enact the proposed measure without change — can finally occur and be known with certainty only when the session of the Legislature to which the measure was proposed has been "recessed"—i.e. when, as defined by Article IV, Part Three, Section 20, there has been "adjournment without day."

Furthermore, to prevent frustration of the broadly reserved power of the people to legislate it is implicit that the proclamation of the Governor is intended to be made within a reasonably short time after the legislative session has been adjourned without day.

We conclude, therefore, that in Article IV, Part Three, Section 18 the people have provided themselves with a procedure by which they can control the range of time for the holding of an initiative election, such that: (1) they can increase the minimally required period from sixty days to four months, and (2) reduce the maximally authorized interval from a potential of eighteen months to approximately six months,² subsequent to the recess of the session of the legislature at which the initiated measure was proposed.

The use of the word "may" relative to a gubernatorial order for a special election, and its timing, indicates that, ordinarily, the Governor is afforded a discretion as to whether to order a special election. This general discretion is subject to the exception, however, that "if . . . requested in the written petitions", the Governor "shall" direct a special election by proclamation. The introduction of the word "shall" in immediate conjunction with, and contradistinction to, the word "may" signifies that once the written petitions have requested a gubernatorial proclamation of a special election, the Governor is subjected to a **mandatory obligation** to order the special election. His obligation to act is unavoidable.

² Under our present system of biennial regular Legislative sessions, and with initiative petitions being presentable only at a regular session, it will usually happen that the next regular election after the recess of the Legislature would occur as long as fifteen to eighteen months after recess.

We use the word "approximately" since the maximum period of six months commences from the date of the proclamation by the Governor which must be forthcoming within a reasonably short time after the recess of the Legislative session.

This interpretation, derived from the literal language of Section 18, is supported by practical factors which suggest a need that the initiators of a measure should have opportunity to impose a compul-

sory obligation upon the Governor to order a special election within time limits other than those ordinarily operative as to general elections. Under given circumstances the people initiating a measure may believe that the issues are sufficiently complex to justify extensive opportunity for the conducting of public debate as well as to allow sufficient time for adequate education of the voters on the issues. Hence, they may wish to require a minimum of four months after the recess of the Legislature. Similarly, they may envision that a period as long as one year and a half could elapse until the next general election (should the Governor choose to refrain from calling a special election in the exercise of discretion), and the initiators might consider such extended delay unwise or otherwise prejudicial to the purposes they seek to achieve.

Our conclusion that a request in the initiative petitions for a gubernatorial proclamation of a special election, to be held within the constitutionally defined time limits, imposes a **mandatory obligation** upon the Governor logically imports a restriction upon the unlimited discretion which Article IV, Part Three, Section 18, purports to confer upon the Legislature by the language "the Legislature may order a special election. . . ." The imposition of a **mandate** upon the Governor to order a special election within the constitutionally prescribed time range is inconsistent with a **discretion** in the legislature to order a special election as, and if, the Legislature may deem appropriate and uncontrolled by the constitutional time limits to which the obligation of the Governor is subjected. The request in the written petitions, by creating a mandatory obligation for action by the Governor, negates, ipso facto, a repository of discretion either in the Governor or in the Legislature.

The Legislature, therefore, lacks authority pursuant to Article IV, Part Three, Section 18 of the Constitution to order a special election on Initiated Bill (1), "AN ACT to Repeal the Maine Income Tax" despite the request of the petitioners for a gubernatorial

proclamation ordering a special election.

QUESTION II: If the answer to question number I is in the affirmative, may the Legislature set the date for the referendum and direct the form of the ballot with the attached Joint Order?

ANSWER: Our answer to Question I being in the negative, no answer is required on Question II since it becomes inapplicable by its terms.

Dated at Portland, Maine, this fifth day of April, 1971.

Respectfully submitted:

(Signed)

Armand A. Dufresne Jr.
Donald W. Webber
Randolph A. Weatherbee
Charles A. Pomeroy
Sidney W. Wernick
James P. Archibald

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Gill of South Portland, it was

ORDERED, that Beth Bryce and Doreen Johnson of South Portland be appointed to serve as Honorary Pages for today.

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

Mr. **CALL:** Mr. Speaker, I should like to inquire if the House is in possession of L. D. 359.

The **SPEAKER:** The answer is in the affirmative. An Act relating to the Control of Dogs, House Paper 270, L. D. 359, is in the possession of the House.

Mr. **CALL:** Mr. Speaker, I move that the House reconsider its action of Friday whereby it passed this bill to be enacted.

The **SPEAKER:** The gentleman from Lewiston, Mr. Call moves that the House reconsider its action of April 2 whereby this Bill was passed to be enacted.

Whereupon, Mr. Good of Westfield requested a division.

The **SPEAKER:** A division will be ordered. All in favor of reconsidering whereby this Bill was passed to be enacted on April 2 will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 77 having voted in the negative, the motion to reconsider did not prevail.

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

Mr. **CURTIS:** Mr. Speaker, I would inquire if the House is in possession of Senate Paper 348, L. D. 1016, An Act Continuing the Maine Cultural Building Authority.

The **SPEAKER:** The answer is in the affirmative. It is in the possession of the House.

Mr. **CURTIS:** Mr. Speaker, I would move that we reconsider our action of April 2 whereby this bill failed of passage to be enacted.

The **SPEAKER:** The gentleman from Bowdoinham, Mr. Curtis moves that the House reconsider its action of April 2 whereby this Bill failed of passage to be enacted. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

64 voted in the affirmative and 69 voted in the negative.

Whereupon, Mr. Birt of East Millinocket requested a roll call vote.

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

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

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

Mr. **DONAGHY:** Mr. Speaker, is this debatable?

The **SPEAKER:** It is debatable.

Mr. **DONAGHY:** Mr. Speaker and Ladies and Gentlemen of the House: We would like to have this recalled in order to offer an amendment that would change the complexion of this bill somewhat, and I would ask that someone table this.

Whereupon, Mr. Birt of East Millinocket requested that the matter be tabled for two legislative days.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt now moves that the Bill be tabled and specially assigned for Thursday, April 8, pending the motion to reconsider.

Whereupon, Mr. Jalbert of Lewiston requested a division.

The SPEAKER: A division has been requested on the tabling motion. All in favor of this matter being tabled until Thursday, April 8 pending the motion of Mr. Curtis of Bowdoinham to reconsider our action whereby this Bill failed of enactment will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 48 having voted in the negative, the motion to table did prevail.

House Reports of Committees Leave to Withdraw

Mr. Farrington from the Committee on State Government on Bill "An Act to Increase Compensation of the Boxing Commission" (H. P. 948) (L. D. 1307) reported Leave to Withdraw.

Mr. Curtis from the Committee on Veterans and Retirement reported same on Bill "An Act relating to Disability Retirement under Maine Retirement System" (H. P. 144) (L. D. 199)

Same gentleman from same Committee reported same on Bill "An Act relating to Service Retirement of Teachers under State Retirement Law" (H. P. 285) (L. D. 374)

Mrs. Lincoln from same Committee reported same on Bill "An Act relating to the State Police Retirement System" (H. P. 1065) (L. D. 1455)

Mr. Simpson from same Committee reported same on Bill "An Act relating to Age of Retirement under State Retirement System" (H. P. 284) (L. D. 373)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Stillings from the Committee on Liquor Control on Bill "An Act relating to Catering at Events and Gatherings of Certain Charitable Organizations" (H. P. 23) (L. D. 32) reported same in a new draft (H. P. 1257) (L. D. 1589) under title of "An Act relating to Catering at Events and Gatherings" and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

Divided Report Tabled and Assigned

Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Sale of Liquor Not to be Consumed on the Premises" (H. P. 426) (L. D. 560)

Report was signed by the following members:

Messrs. SHUTE of Franklin
HOFFSES of Knox
FORTIER of Oxford
— of the Senate.
Messrs. STILLINGS of Berwick
BAILEY of Woolwich
IMMONEN of West Paris
HAWKENS of Farmington
MADDOX of Vinalhaven
GAGNON of Scarborough
— of the House.

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

Report was signed by the following members:

Messrs. TANGUAY of Lewiston
FAUCHER of Solon
SLANE of Portland
LIZOTTE of Biddeford
— of the House.

Reports were read.

(On motion of Mr. Stillings of Berwick, tabled pending acceptance of either Report and specially assigned for Thursday, April 8.)

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Repealing the Farm Machinery Tax Exemption" (H. P. 613) (L. D. 824)

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
FORTIER of Oxford
— of the Senate.

Messrs. CYR of Madawaska
ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
DAM of Skowhegan
FINEMORE of Bridge-
water
TRASK of Milo
McCLOSKEY of Bangor
— of the House.

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

Report was signed by the follow-
ing members:

Messrs. MORRELL of Brunswick
COLLINS of Caribou
— of the House.

Reports were read.

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

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

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

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

Mr. COLLINS: Mr. Speaker and
Members of the House: As a signer
of the Minority "Ought to pass"
Report I should like to present to
you that viewpoint. At the last
special session of the Legislature
a bill was passed that exempted
certain farm machinery up to a
maximum of \$5,000 from the
personal property tax. Since it was
enacted after local tax assessments
were made, it did not have any
effect last year. L. D. 824 would
repeal this exemption.

The Taxation Committee, or
perhaps more a p p p r o p r i a t e l y
termed the "tax exemption"
committee, is continually faced
with requests from various
interests to be exempt from some
particular tax. While some of the
requests may have merit — and
I suspect that at some time I could
favor a particular exemption —
they have one thing in common
and that is the erosion of the tax
base, and the transfer of the tax
to some other segment of society.

In this particular instance, the
exemption involves a personal
property tax levied by the
municipalities and could result in
tax losses, or a transfer of the
tax burden, to other members of
the community. To illustrate a case
in point, the City of Caribou in
1970 showed an assessed value on
farm machinery of \$600,000. Applying
the exemption against
this assessment would result in a
reduction of \$500,000 of taxable
property. Multiplying this figure by
our mill rate of 38 could result
in a tax loss to our city of \$19,000.
The City of Presque Isle shows
a somewhat similar situation with
a loss in assessed value of \$440,000.
There are, of course, many other
communities which have similar
situations, but I will not discuss
the point further.

I am aware that the tax loss
is not a substantial one when
measured as a percentage of the
total tax revenue. However, until
such time as we eliminate all per-
sonal property taxes, I submit that
such exemptions are highly
discriminatory.

This bill before us has an emer-
gency clause attached to it which
would require a two thirds vote
for passage, and I am not naive
enough to think it could possibly
pass. Furthermore, to have been
operative this year it would have
had to have received passage prior
to April 1. Finally, if we are to
consider economic hardship as a
criteria for tax exemption, I would
agree that farmers, at least
"potato farmers" can well use any
preferential tax treatment we care
to give them this particular year.

However, in the future, I would
hope that we measure well the
consequences of tax exemptions.

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

Mr. ROSS: Mr. Speaker and
Ladies and Gentlemen of the
House: As many members of the
House can testify with much more
authority than I, farming in the
State of Maine is most difficult
to say the least. By and large
farmers pay a higher proportion
of taxes than any other single
group. Many have been forced
out of business during the past few
years and the 104th Legislature

thought that this was a logical exemption, to be a very small help but a help to a most needed and worthy business; and I request that the decision of this House be taken by vote.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: The gentleman from Aroostook said that everybody except the farmers would not benefit by this. I wonder if he has stopped to think that the farmer has his money invested in this equipment. Some of it is only used two and three weeks a year. The people who have their money invested in the bank or in stocks, what difference does it make which way anybody has their money invested? Their money isn't taxed that they have invested. You might say, yes, the income is taxed. The income that the farmer gets from the use of this equipment is taxed.

And therefore I don't think there is any unfairness in it considering the amount of taxes that a farmer pays.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House accept the Majority "Ought not to pass" Report. A vote has been requested. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State" (S. P. 524) (L. D. 1519)

Bill "An Act relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles" (H. P. 372) (L. D. 478)

Bill "An Act relating to Injury or Incapacity of Certain State Employees" (H. P. 506) (L. D. 652)

Bill "An Act relating to Condonation as a Defense to an Action for Divorce" (H. P. 809) (L. D. 1082)

Bill "An Act relating to Recrimination as a Defense in an Action for Divorce" (H. P. 810) (L. D. 1083)

Bill "An Act Providing Funds for Certain High School Equivalency Examinations" (H. P. 1248) (L. D. 1569)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Compensation under Workmen's Compensation Law for Total Incapacity, Partial Incapacity and Death" (H. P. 1249) (L. D. 1570)

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

(On motion of Mrs. Lincoln of Bethel, tabled pending passage to be engrossed and specially assigned for Thursday, April 8.)

Bill "An Act relating to Staffing Committees of the Legislature" (H. P. 1250) (L. D. 1571)

Bill "An Act relating to Meals and Housing Expense for Members of the Legislature and Compensation at Special Sessions" (H. P. 1251) (L. D. 1572)

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 relating to Trapping Muskrats" (S. P. 174) (L. D. 526)

Bill "An Act Prohibiting Discrimination for Testifying or Asserting Claim under Workmen's Compensation Law" (H. P. 234) (L. D. 316)

Bill "An Act relating to Maintenance of Paupers by Certain Plantations" (H. P. 399) (L. D. 511)

Bill "An Act relating to Stating Purposes of Bond Issues Referred to the People" (H. P. 788) (L. D. 1064)

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.

**Third Reader
Tabled and Assigned**

Bill "An Act relating to Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (L. D. 1347)

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

(On motion of Mr. Millett of Dixmont, tabled pending passage to be engrossed and specially assigned for Thursday, April 8.)

**Third Reader
Tabled and Assigned**

Bill "An Act relating to the Color of School Buses no Longer Used for School Purposes" (S. P. 210) (L. D. 643)

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

(On motion of Mr. Lebel of Van Buren, tabled pending passage to be engrossed and specially assigned for Thursday, April 8.)

**Passed to Be Enacted
Emergency Measure**

An Act relating to Out-of-state Ambulance Services and Eliminating Fees for Ambulance Personnel (H. P. 592) (L. D. 787)

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would pose a question in reference to this item to anyone who would care to answer. I notice that the bill says that if you deal with an out-of-state ambulance service then they would not have to be licensed under the state licensing law. My question is this, could all ambulances in effect become out-of-state ambulances for the purpose of incorporation and then in effect all of them would not be covered by the law that we presently have on the books?

I am sure that this is not the intent of the legislation but I would hope if this is what it does that someone would perhaps table it and amend it if this has to be done.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin poses a question through the Chair to anyone who may answer if they choose; and the Chair recognizes the gentleman from Freeport, Mr. Marsteller.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of this part of the bill is that the ambulances operating along the Maine-New Hampshire border that cross into Maine so that they can do this freely. You members that were here in the 104th Legislature remember that part of the ambulance licensing bill, this was put through because we needed to comply with the Federal Highway Safety Act of 1966, which in effect required all states to have a licensing law.

So that at the present time there is a bill before the New Hampshire Legislature to have similar licensing in New Hampshire, so that all ambulances will have similar licenses in the various states. So it is just a matter of not requiring a New Hampshire vehicle to have a Maine license for instance to come into Maine in this ambulance work, and this is the intent here.

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

Mr. DYAR: Mr. Speaker and Members of the House: Mr. Martin has brought out a point, the area that I represent we are not so interested in New Hampshire ambulances as much as we are ambulances coming out of Canada. In the northern section of Franklin County north of Eustis, practically all the ambulance calls are handled by ambulances out of either Woburn or Megantic and I doubt if any Maine ambulance service at the present time would license their vehicles in Quebec to beat this law.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 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

An Act to Authorize a Food Stamp Program in Kennebec County (H. P. 767) (L. D. 1033)

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. 132 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Permitting the State Park and Recreation Commission to Sell Snowmobile Trail Marking Signs and Charts (S. P. 219) (L. D. 665)

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

An Act Increasing Tax on Commercial Fertilizers (H. P. 279) (L. D. 368)

An Act relating to Definition of Dental Hygienist and Dental Auxiliaries (H. P. 563) (L. D. 739)

An Act to Remove Remarriage Restriction on Survivor Benefit Payments under State Retirement System (H. P. 624) (L. D. 834)

An Act to Enable the Town of Cape Elizabeth to Establish Sewer Service Charges (H. P. 632) (L. D. 862)

An Act relating to Cancellation, Nonrenewal and Certain Changes of Automobile Insurance Because of Age (H. P. 664) (L. D. 893)

An Act Authorizing Savings Banks to Issue Mortgage-backed Securities Guaranteed by the United States (H. P. 733) (L. D. 995)

An Act relating to Compensation of Trustees of the Rumford Water District (H. P. 750) (L. D. 1019)

An Act relating to Trespass on Certain State Institutions (H. P. 1084) (L. D. 1150)

Finally Passed

Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 89) (L. D. 133)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed,

all signed by the Speaker and sent to the Senate.

Orders of the Day

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

SENATE DIVIDED REPORT — Majority (7) "Ought to pass in new draft" — Minority (4) "Ought not to pass" — Committee on Election Laws on Bill "An Act Limiting the Amount of Money Spent by Candidates Seeking Political Office" (S. P. 25) (L. D. 58) — New Draft (S. P. 398) (L. D. 1011) under same title In Senate, Majority Report accepted, and Bill passed to be engrossed as amended by Senate Amendment "A" (S-34) and Senate Amendment "C" (S-57)

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

Pending — Acceptance of either Report.

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

Mr. ROSS: Mr. Speaker, I move that the House accept the Majority Report "Ought to pass" in new draft as amended.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: All of us over the years have become concerned about the high cost of seeking political office. The L. D. that was presented to the Legislature, L. D. 58, was an attempt at arriving at a solution. The Election Committee made an attempt to rework that L. D. into L. D. 1011. I think that they have made a worthwhile attempt at a very difficult problem in solving it. And I also think that if we accept the committee report and accept the amendments which the other body has put on, that it will solve most of the objections that have been raised, and perhaps we can finally get something on the books that will be worthwhile.

And so I rise merely to concur with the gentleman from Bath, Mr. Ross, and I am sure that he is amazed by that.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I signed the Minority "Ought not to pass" Report reluctantly because I basically support the proposition that the time has come for us to control and reduce somehow the cost of political campaigns. I see the problem as an expanding one, so that not only for major offices but even on a legislative level, the cost of a political campaign becomes so prohibitive that a great many people are precluded from running. I feel that this bill, as now written, would not really accomplish the purpose that the title would lead us to believe. Just to limit various expenses to various advertising media and leave the whole area of staff, workers, mailings wide open for large sums of money to be sent does nothing to control top spending.

Originally the bill allowed ten cents for every vote for a particular office in the last campaign or the amount of salary earned by that specific office. This would have allowed \$32,000 plus for a candidate for Governor, or \$42,500 for the U.S. Senate to Congress. The Senate Amendment doubles the amount for Governor and U.S. Senate, which would allow \$85,000 to be spent by candidates for the U.S. Senate and some \$64,000 by the candidates for Governor on just a d v e r t i s i n g media. Mind you, it doesn't cover anything else.

Figures show us that in the 1970 campaign, Senator Muskie spent on the advertising media alone some \$63,000. Governor Curtis spent \$65,000-plus, Kyros spent \$22,000, Representative Hathaway \$11,000, Mr. Neil Bishop \$32,000, Mr. Erwin \$58,000, Mr. Speers \$10,000. Now as you see, these figures of \$64,000 for the Governor and \$85,000 for the Senator are far above those spent in 1970, so that this hardly reduces the political expenses to a reasonable sum that makes it easier for other candidates to run.

I would also call to your attention that we would have the limit of \$2,500 for spending for the legislature here.

The other weaknesses I see is that the incumbent has a distinct advantage when sums of money

allowed by all candidates is the same, whether they hold office or not. I would also call to your attention that under exemptions, under nine, we have public service functions and programs shall be exempt. This seems to me to be a real legal loophole.

There is also some question that the various media charges to candidates exceed minimum rates for similar services to other people, and whether the advertising media collect from all candidates and political organizations on an identical basis.

Artificial and arbitrary maximum levels can work a distinctive disadvantage to some candidates, particularly when all spending isn't controlled. Also, I see in this bill no mandatory periodic disclosure of monies spent prior to election. It all comes afterwards.

For these reasons I ask you to vote against the Majority "Ought to pass" Report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: First of all, yes, I am amazed at my friend from Eagle Lake, Mr. Martin, being on my side on this. Secondly, the remarks of the gentlewoman from York, Mrs. Brown, I think prove the need for legislation such as this. We don't claim it is perfect, but we claim that it is a start in controlling exorbitant campaign expenses.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Bath, Mr. Ross, that the House accept the Majority "Ought to pass" Report in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken. 96 having voted in the affirmative and 23 having voted in the negative, the motion did prevail.

The New Draft was read twice. Senate Amendment "A" (S-34) was read by the Clerk and adopted in concurrence. Senate Amendment "C" (S-57) was read by the Clerk and adopted in concurrence and the New Draft assigned for third reading tomorrow.

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

HOUSE REPORT — “Ought to pass in new draft” — Committee on Judiciary on Bill “An Act Prohibiting the Turning Back of Speedometers or Odometers on Motor Vehicles” (H. P. 101) (L. D. 145) — New Draft (H. P. 1244) (L. D. 1553) under same title.

Tabled — April 1, by Mr. Dyar of Strong.

Pending — Acceptance.

Thereupon, the Report was accepted, the New Draft read twice and tomorrow assigned.

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

HOUSE REPORT — “Ought to pass in new draft” — Committee on Natural Resources on Bill “An Act relating to the Conduct of Hearings Required by the State’s Environmental Laws” (H. P. 359) (L. D. 467) — New Draft (H. P. 1246) (L. D. 1555) under same title.

Tabled — April 1, by Mr. Hardy of Hope.

Pending — Acceptance.

On motion of Mr. Hardy of Hope, recommitted to the Committee on Natural Resources and sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (10) “Ought to pass” with Committee Amendment “A” (H-92) — Minority (2) “Ought not to pass” — Committee on Election Laws on Resolution Proposing an Amendment to the Constitution to Provide a Shorter Time for Establishing Voting Residence” (H. P. 525) (L. D. 687)

Tabled — April 1, by Mr. Ross of Bath.

Pending — Acceptance of either Report.

On motion of Mr. Ross of Bath, the Majority “Ought to pass” Report was accepted and the Resolution read once.

Committee Amendment “A” (H-92) was read by the Clerk and adopted and the Resolution as-

signed for second reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (9) “Ought to pass in new draft” — Minority (3) “Ought not to pass” — Committee on Election Laws on Bill “An Act relating to the Requirement for a Board of Registration” (H. P. 738) (L. D. 1000) — New Draft (H. P. 1242) (L. D. 1551) under same title.

Tabled — April 1, by Mr. Ross of Bath.

Pending — Acceptance of either Report.

On motion of Mr. Ross of Bath, the Majority “Ought to pass” Report in new draft was accepted.

The New Draft was read twice and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) “Ought not to pass” — Minority (6) “Ought to pass” — Committee on Fisheries and Wildlife on Bill “An Act relating to Open Season for Fishing in Lakes, Ponds, Rivers, Brooks and Streams” (H. P. 672) (L. D. 909)

Tabled — April 1, by Mr. Lewin of Augusta.

Pending — Acceptance of either Report.

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

Mr. PORTER: Mr. Speaker, I move that we accept the Minority “Ought to pass” Report and I would speak on that motion.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves the House accept the Minority “Ought to pass” Report, and the gentleman may proceed.

Mr. PORTER: Mr. Speaker and Members of the House: Back on January 14, I presented to the Joint Committee on Fisheries and Wildlife L. D. 71. That bill received a unanimous “ought to pass” report. A few days later it appeared here on our calendar, we accepted that report, gave it the first two readings; and then the next day

in the third reading I moved to indefinitely postpone the bill.

I did that because I was told that there was some opposition to the bill, and I wanted no part of having a law written on our books that would not be supported by the sportsmen of our state. At that time I told you that I would divide it into three parts and bring it back. Instead of three, we have divided it into two parts, 909 and 910.

A week ago last Wednesday I presented L. D. 909 and 910 to the proper committee. It was well advertised. The several clubs of the state had taken a position on it, had discussed it. The day previously Gene Letourneau had an article in the papers about it. So it was well promoted.

When I appeared at the committee I found the committee room full — well, at least seventy-five were there. But I presented the two bills, Mr. Lyndon Bond, the head of the Fisheries Division, was there, explained that these two bills were department bills. The research had been done on it, and they felt that they were worthwhile. There were several others that appeared in favor of the bill, and then the chairman asked for the opponents.

I fully expected a lot of opposition. To my surprise only two appeared against 910, and only three appeared against 909. I did what I thought was a pretty good job of convincing the seventy-five, but I find that I did not convince my own committee.

This committee voted back in January that L. D. 71 was a good bill, and voted unanimously "ought to pass." Now in the latter part of March I find they have reversed themselves. I do not know to this moment whether they have objections to the bill or whether they are trying to pull my leg.

They are a fun-loving committee. I enjoy them thoroughly. But sometimes I question, and this is one of those times. I am anxious to find out whether they have oppositions to my bill, and I am probably going to find out very soon. They have two opportunities; they can debate with me on the acceptance of these reports, or they

can let these bills have their first two readings and debate me tomorrow. At any rate, I am ready.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: I fully agree and support Mr. Porter from Lincoln.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves that the House accept the Minority "Ought to pass" Report. All in favor say aye; those opposed say no.

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

The Bill was read twice and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (5) "Ought to pass" with Committee Amendment "A" (H-93) Committee on Fisheries and Wildlife on Bill "An Act relating to Black Bass Fishing in Lakes, Ponds and Rivers" (H. P. 673) (L. D. 910)

Tabled — April 1, by Mr. Lewin of Augusta.

Pending — Acceptance of either Report.

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

Mr. PORTER: Mr. Speaker, I move we accept the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: It is ironic, I suppose, that I who never went fishing or hunting in my life should take up cudgels on this bill. But I would remind the members of the House that since the hearing earlier in the winter many of us had second thoughts on this subject. My second thoughts were prompted by a deluge of phone calls and letters from people within my district and throughout Washington County.

For the sake of those of you who perhaps are not too knowledgeable on the black bass fishing industry in Washington County, I would quote from this booklet put out by the Department of Inland Fisheries and Game dated 1955; bearing in mind, of course, the the figures given here are doubtless greater today, because this book was published sixteen years ago.

The dollar value of the bass fisheries in the Big Lake region in northern Washington County, and from those whose incomes depend directly on the bass fisheries in the Princeton, Grand-Lake Stream Guides and Camp Owners Association, put this at \$240,000 each year for the three-month period beginning on June 1 and terminating on Labor Day.

This figure, of course, is based on expenditures by anglers for licenses, food and lodging, guides, wages, boats and motors, and so on. A typically well run resort, for example, reports an average of 340 guests each year; a guest week being equal to one person residing at that resort for seven days.

I shall not belabor the point, ladies and gentlemen, but I would remind you that the bass fishing industry is a big source of income in Washington County. And I would also remind you that Washington County has had enough financial problems without removing one of our prime sources of income.

Therefore, ladies and gentlemen, I would urge you to defeat the motion to accept the Minority "Ought to pass" Report. Thank you.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen: I well recognize the value of our bass fishing resources. I am very familiar with this critter, because he has been fooling me for pretty near fifty years. I have been a licensed fish breeder, used to be and hope to be again. I have worked closely with them, and I have talked a great deal with the experts on their management.

The bass is a very prolific fish. I was seeking advice on how to

introduce them into a pickerel pond of some 800 acres. I was told by the research people that if I could catch eight bass and turn them loose in the pond they would look out for themselves from there on. As I say, they are prolific, and I honestly believe that this bill would not hurt them in any way. I hope you will support Mr. Porter's motion.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I too would like to support the motion by Mr. Porter. I am a bass fisherman myself. Last summer during the season I caught some 150 bass. I released all but one. Most of my acquaintances do much the same thing. Some people like to eat these things, mostly don't.

I think that Mr. Porter's two bills are probably the best bills introduced on the subject of fishing that we have had here for some time, and I surely hope his motion does prevail.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I want to go on record as supporting Mr. Porter. In the area where I come from, the Belgrade chain, through error bass was introduced into these salmon and trout waters. Today there are more bass there than any other fish, and they will definitely multiply faster than anything but perch. I hope you go along with Mr. Porter.

The SPEAKER: The Chair will order a vote. All in favor of accepting the Minority "Ought to pass" Report as moved by the gentleman from Lincoln, Mr. Porter, will vote yes; those opposed will vote no.

A vote of the House was taken. 115 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

The Bill was read twice. Committee Amendment "A" (H-93) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (12) "Ought to pass"—Minority (1) "Ought not to pass"—Committee on Health and Institutional Services on Bill "An Act Transferring Services to Alcoholics and Drug Addicts to the Bureau of Mental Health" (H. P. 674) (L. D. 911)

Tabled — April 1, by Mrs. Payson of Falmouth.

Pending — Acceptance of either Report.

Thereupon, on motion of Mrs. Payson of Falmouth, the Majority "Ought to pass" Report was accepted.

The Bill was read twice and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought not to pass"—Minority (4) "Ought to pass"—Committee on Liquor Control on Bill "An Act relating to Retail Sale of Fortified Wine" (H. P. 656) (L. D. 897)

Tabled — April 1, by Mr. Stillings of Berwick.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

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

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

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker and Members of the House: During the 104th session a bill was passed to permit the voters of this state to cast their ballots in local option elections to determine if they would permit the sale of table wines in retail stores. The response was overwhelming and by a 2 to 1 vote this was accepted by the people of the State of Maine.

Frankly, when the people voted for wine in retail stores, that is exactly what they voted for. To most people, wine is wine, and when they visited the grocer for a bottle of port or sherry they found that to purchase the same that they must journey to the State liquor store.

Now sherries and ports are the most popular of cooking wines most often purchased by housewives, who would much rather patronize the grocery store rather than pay a visit to the liquor store.

This bill would simply set up a local option vote so that the people of a given community could vote to determine, if they wished, the so-called fortified wines sold in grocery stores in their respective communities. It would appear unreasonable that one type of wine could be purchased in the grocery, but another must be purchased at the state store.

You have all noted how easily the transition has been made of the sale of wines from the state stores to the grocer, and how favorably it has been received by the public and no disaster has befallen the state. I assure you that the grocer is very capable of handling the fortified wines in a manner that is creditable.

I hope that you will join with me and reject the Majority Report, "Ought not to pass" and accept the Minority Report, and I would ask for a division.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: It isn't very often that I get up on my feet to speak on any bill because I feel that most of the time there are many other speakers more qualified than I. In this instance I would like to direct your attention to what I believe is a very important part of this bill, the local option section. The whole intent of this particular legislation is to permit the local communities to vote on the question of whether or not they desire to have the so-called fortified wines sold in groceries in their respective towns, the grocery stores.

It does seem rather absurd that some 1,400 brands, tax and labels are available in the groceries. But if one wishes to purchase a port, sherry or muscatel, they must go to a state store. I believe that it was the desire of the state to get out of the wine business, and such apparently was the case. Then they should be out of it in its entirety and not attempt to retain a few of the more desirable items.

Port and sherry are the type most often used for cooking purposes and are more likely to be sought at a grocery than a liquor store.

I would hope that your action today, you would allow the people in the several communities to be permitted to choose whether they would purchase these items at their grocery store. And to go along further, I feel it is an economy move on the part of the state.

If you will look at certain figures that are available from the Liquor Commission, it seems that last year we did a little bit over \$38,700,000 worth of business in the liquor business; but we only realized some \$13,100,000 in profits. Now it seems to me that if the Liquor Commission got rid of all the wines and put them in the grocery stores, we probably could reduce some of the help, or could reduce some of the expenses that we paid out for rentals of some of these liquor stores and so forth, and I feel that if we are going to be in the liquor business, let's be in the liquor business to make money and not to be just a service agency. Therefore, I support the motion to accept the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker and Members of the House: Being one of the members that signed the Majority Report, I thought that you should have a little bit of background as to why we made our decision.

Apparently when the beer industry came before the 104th Legislature and requested the adoption of wines being sold in the grocery stores, it was strictly

for table wines as these were considered to be very low salable items as far as the state was concerned. However, after seeing the tremendous increase in sales which developed after this was adopted, it suddenly appears that they now want the fortified wines. Presently the table wines have an alcohol content of 14 per cent; the majority of the fortifieds contain 19 per cent. This was the primary reasoning why they were eliminated from the original request.

During the first two months of this year the sales of wines have gone up 400 per cent over the entire sales of last year. I think this in itself answers the reason why the beer wholesalers now want the fortified wines included in most of our retail stores.

It seemed apparent to us that this was a matter of inconsistency on the part of their original request, and we felt that in view of these circumstances and that of the increased alcohol content which is involved that this wasn't necessary at this time. Thank you.

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

Mr. COTE: Mr. Speaker and Members of the House: I feel strongly on this issue. It may be that the sale of wines have gone up in this state because they were made easily available. But you have to understand this—and I can give you a concrete example. I like a certain type of wine which, around Christmas time and Thanksgiving and so forth, I like to drink with my meal. This wine has never been available in this state; therefore every time I happen to go to Montreal I go into one of the stores and I buy a couple bottles of French wine which I like with my meals. It has never been available in this state, so that is why I have been doing this. Now, because the grocery stores have been selling wines, many more items have been put on the shelves where people used to go to New Hampshire or Connecticut or Boston or Massachusetts or Canada, and so forth, and bring back the kind of wines they like, but now they can find those on the

shelf. And it is the same way with the fortified wines.

Now this wine I have been buying in Montreal, I don't know if it is fortified or not, I never looked at the contents. I like it for the taste and not for the effect. So I have been buying some wines out of state, as I stated. If the fortified wines are in the stores, many more items can be available to the general public and they won't have to cart these wines in from other states; we will have them available right here at home.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: Speaking as somewhat of an expert on wines I would simply say that 14 per cent or 19 per cent alcoholic content or volume makes very little difference if you are going to consume it. Thank you.

The SPEAKER: A vote has been requested. All in favor of the motion of Mr. Stillings of Berwick to accept the Majority "Ought not to pass" Report on Bill "An Act relating to Retail Sale of Fortified Wine," House Paper 656, L. D. 897, will vote yes; those opposed will vote no.

A vote of the Hosue was taken.

55 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

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

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

Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies" (H. P. 552) (L. D. 728) (Committee Amendment "A" H-86 adopted)

Tabled—April 1, by Mr. Smith of Dover-Foxcroft.

Pending — Passage to be engrossed.

On motion of Mr. Susi of Pittsfield, retabled pending passage to be engrossed and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought not to pass" —Minority (2) "Ought to pass"—Committee on Education on Bill "An Act to Create a School Administrative District for the Town of Orono" (H. P. 804) (L. D. 1077) Tabled—April 2 by Mr. Millett of Dixmont.

Pending—Acceptance of either Report.

On motion of Mr. Millett of Dixmont, retabled pending acceptance of either Report and later today assigned.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to pass" —Minority (5) "Ought not to pass"—Committee on Health and Institutional Services 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)

Tabled—April 2, by Mr. Susi of Pittsfield.

Pending—Motion of Mrs. Payson of Falmouth to accept Majority Report.

On motion of Mr. Lee of Albion, retabled pending the motion of Mrs. Payson of Falmouth to accept the Majority Report and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to pass in new draft" (H. P. 1254) (L. D. 1574) —Minority (6) "Ought to pass in new draft" (H. P. 1255) (L. D. 1575) —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)

Tabled—April 2, by Mr. Good of Westfield.

Pending — Acceptance of either Report.

On motion of Mr. Good of Westfield, the Majority "Ought to pass" Report was accepted.

The New Draft was read twice and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on Labor on Bill "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits" (H. P. 423) (L. D. 557)

Tabled — April 2, by Mr. Good of Westfield.

Pending — Acceptance of either Report.

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

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

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

Tabled—April 2, by Mr. Donaghy of Lubec.

Pending—Final passage.

On motion of Mr. Birt of East Millinocket, retabled pending final passage and tomorrow assigned.

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

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

Tabled—April 2, by Mr. Donaghy of Lubec.

Pending—Passage to be enacted.

On motion of Mr. Henley of Norway, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the seventeenth 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—April 2, by Mr. Susi of Pittsfield.

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 tomorrow assigned.

The Chair laid before the House the eighteenth 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 2, by Mrs. Baker of Orrington.

Pending — Passage to be engrossed.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: A week ago you voted by a margin of 67 to 57 to accept a Minority Report on this particular bill. I feel very strongly about the bill. I do not feel it should be passed to be engrossed, and I would like to at this time state my objections and hopefully do a little bit better job than I did a week ago.

In order to put the situation in proper perspective, I would like to talk about the particular status of SAD's at this point in time, which I feel is a very crucial time. It is a time at which I think very little voluntary School Administrative District formation will continue, in the immediate future at least, unless some major changes are made in the present Sinclair Law. In context with this I would point out that there are two bills, one being heard today, one tomorrow, which in effect are a mandatory district bill.

At the present time there are 76 existing SAD's. In those 76 School Administrative Districts fall 287 towns, much more than a majority of our 495 towns. Every one of those towns has voluntarily joined into a School Administrative District. I would point out and give credence to the argument of the

gentleman from Madawaska, Mr. Cyr, there are existing within those 76, seven single-town School Administrative Districts. I would just name them for you and give a little bit of reasoning behind their formation, although I personally did not have anything to do with them. They are North Haven, Vinalhaven, Allagash, Lubec, Fort Fairfield, Pownal, Matinicus and Swan's Island.

Now as you can easily see, there are four coastal islands, two remotely located areas, and only two inland communities. Now these districts have been formed for one reason or another, and I do not feel that I should go into the reasons for them at this time.

Now to the particular situation in Madawaska — and again I would point out that a similar bill was heard in a Special Session of 1970. It was, in ironic terms, a unanimous "Ought not to pass" Report, but the bill was substituted for the report and it was in the same position that this bill is here today. Eventually it was killed, and it was killed with a close margin, after a great deal of negotiating between the two bodies.

Now Madawaska is a fair sized community with a population of about 5,500. They are above average in state valuation per pupil, which is the measurement of wealth that we use. In fact, as a comparison, they stand at a state valuation behind each school pupil of \$16,311 compared to a state median of \$10,195. So while they are not extremely wealthy, they are considerably above average.

As far as their present tax effort, they are making a reasonably good tax effort, both for schools and for total municipal purposes. But I would point out that it is not an extreme tax effort. In terms of their school tax effort, according to 1970 figures, their effort is at the 37 mill level. This compares with a state median of 34. Their municipal tax level, considering all services, schools included, stands at 52 mills, compared to a state median of 51.

Now in both categories — in all three categories I might point out, they are very average. I be-

lieve, and I have said so many times before, they are doing a very good job with respect to the support of their public schools. The question I just raise is this: In view of the 287 towns that have voluntarily gone into districts and have really for all time locked themselves into a sharing proposition, should we at this time give an opportunity to a relatively wealthy, average community of size sufficient to operate their own program, the same rights and benefits that we have extended to those various other communities who have voluntarily formed School Administrative Districts?

Now I might point out too, and the point was brought out a week ago, that there is a substantial amount of money involved. The actual price tag — and I submit that before this bill could become enacted, it would need a price tag of \$51,707.94 according to present law. And I am talking about the ten percent bonus on the two years of operation subsidy if they were to be formed in the very near future.

Now before I conclude, I would just like to answer a couple of arguments which were raised here a week ago, one of which was that they had been asked to form into a district with School Administrative District 33 in Frenchville and St. Agatha. This is not actually true. The results of the Special Session did carry a compromise bill which for a while lived, which asked for them to consider this. Now they did consider it. They did actually take a vote. And the vote was conveyed to you a week ago by Mr. Cyr of 118 to nothing within the town of Madawaska, and a similar lack of majority in the district towns.

Now it seems to me that that vote alone tells you something. They don't want to be a district. They do not want to be a School Administrative District in the usual form. And when only 118 people out of 5,500 population turn out to vote, I don't believe anybody has made a very concerted effort to voluntarily look into a district in the neighboring vicinity.

Another argument with respect to these two units was brought out here a week ago by the gentleman from Strong, Mr. Dyar, pointing out that a brand new high school would be necessary if such a district were to be formed. And while that is not the question before you, I just want to dispel that rumor, because these two units have nice facilities at the secondary level, both of them. There would be no need for any secondary school to be constructed.

There is a provision in the law anyway which says that if a combination of towns has in excess of 700 pupils, which these two areas do, they can maintain two high schools. So this is not even an argument. And if it were an argument, I believe you could say that their existing facilities are certainly adequate.

That, however, is not our point here this morning to debate. We are only debating on whether or not we should give Madawaska the same privileges that 287 other towns have earned. And I say earned, with a lot of sacrifice, and with a lot of hard feelings that have come about in the process of formation of these various districts.

Now I am not sure I know the answer. I am only saying to you that it would be a direct blow to the communities that have formed districts voluntarily for us to embark upon a course of allowing reasonably wealthy communities to realize the same benefits.

And I am not in the habit of making motions to indefinitely postpone people's bills. I feel very strongly about this bill. I respect the gentleman from Madawaska, but before I sit down I am just going to ask all of you to vote objectively on this issue. I am going to ask for a roll call, and I would ask you, before you flip your button, consider those 287 towns who have entered into School Administrative Districts voluntarily. And ask yourselves this question: Are you being fair to them? Are you being fair to the state in terms of protection of our state treasury and our necessary reve-

nues, if you were to go ahead and take out your wrath— and I am sure many of you do have wrath or a little feeling of animosity toward the state department.

But if you would, before you vote, try to be objective, consider this issue, and I would ask you to vote against the formation of Madawaska as a single-town district. Thank you.

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

Mr. CYR: Mr. Speaker and Members of the House: I realize that the gentleman that I am debating is probably one of the best qualified here in the House. And it is very difficult, naturally, to offer any opposition. However, I based my opposition at the debate that we had on this subject, that the Department of Education should bring into their attitude a little flexibility.

The Representative from Dixmont mentioned that, are you being fair to these towns, to these 287 towns that have joined these districts, are you being fair by allowing a single town such as Madawaska to also join the band? I think I could reverse this argument by saying, are you being fair to the communities that are outside — and most of those communities are the ones that are helping to make this administrative district concept a success.

The basic concept is to share the wealth. It has reached a point where the burden of education to all of these communities is so great that many of these communities cannot share the wealth any more. A lot of these communities will have to stand on their own.

Furthermore, if the administrative district concept has improved education in the State of Maine, why is it that only half of the communities in the State of Maine have joined such a program? Apparently there is dissension throughout the State of Maine. The people of Maine, and particularly the communities that are not in these districts, are asking, let's have an overhaul of this concept, and let's bring justice into this program.

A community such as Madawaska, for instance, with a high state valuation, we are asked — we were almost forced into joining District 33. We would have had to bear 92 percent of the cost with 56 percent of the pupil population, and the other two communities would have had to bear eight percent of the cost with 44 percent of the student population. Is this being fair to such a community? I say it is not. And if you are going to vote on this, on the fairness of this, I say that you should stick with me.

The Education Department has been arbitrary and dictatorial in their attitude, and they have forced many of these communities into joining districts which now they are very sorry that they have. After all, the purpose of the Sinclair Act was to improve education in the State of Maine. It was not a program of distribution of wealth between one community to the other. And some communities can have this betterment and this increase of education without having to join two or three other communities.

And I say, and I say again, that you should decide on the merits of the case and the merits of the case alone, and not through an arbitrary rule which is obsolete, and is overdue for an overhauling. And I hope that you will stick by me and vote against this indefinite postponement motion.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: To explore some of the comments that have been made by the gentleman from Madawaska, Mr. Cyr, back six years ago I appeared before the State Board of Education and presented a proposal to allow proportionate evaluation to be used in determining the standards for figuring the costs for a school district. At this time the State Board went along with this proposal and there was submitted to the legislature and was passed, a bill to allow a district to be formed on the basis of comparative evaluation, taking into consideration the

ratio of pupils and the ratio of valuation.

Now I come from a town very similar to Madawaska. Our valuation is relatively high compared to our costs. This is capable of being worked out successfully there. We did work out a successful formula. The people in the town decided they did not at that time want to go into a school administrative district with the adjoining town. But the formula that was worked out, the 60-40 formula, was a very successful formula in which the cost would have been prorated very close to what they were presently paying as against the original cost which would have been about 94 to 6 percent with the adjoining town.

Now the figures on the original situation would have been that the adjoining town had one-third of the pupils, but would have only paid 6 percent of the cost. My own town, which had two-thirds of the pupils, would have had to pay 94 percent of the cost. The formula that was worked out would have worked out on the 60-40 basis. It would have been very successful, and surprisingly and interestingly the adjoining town did accept it, but my own town did not. I think this can be worked out successfully, and I would suggest to the gentleman from Madawaska that this entire formula program be explored.

Now if we go into the concept of single town districts and do establish one here — and it is my belief that there has only been one single town district established in the last ten years. If we go into this concept of allowing one or two — because there is another bill coming along behind it that would establish a single town district, if we do this, we might just as well let the bars down and allow every so-called high valued town, such as my own and the one next to it in Millinocket, Bucksport, Woodland, Jay, and I believe altogether around twenty-three of these towns that are in a so-called high valued area, allow every one of them to become single town districts. And in essence, when you do this, about the only major thing you do in most cases is to allow them to have

transportation costs, because many of them are above the 500 figure. A few of them are just under it. And there is legislation in to at least correct this condition if it is found feasible and passed. But essentially what you will do is give a ten per cent bonus to every one of these towns. And it is certainly my hope that the motion made by the gentleman from Dixmont, Mr. Millett, does prevail.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from Dixmont, Mr. Millett.

The SPEAKER: The Chair would advise the gentleman and the House that the motion before the House is passage to be engrossed. No other motion has been made.

Mr. DAM: I rise to oppose the passage of this bill because last week I had this bill tabled and I was going to offer an amendment. I was, however, informed by the Attorney General's office that the amendment that I had in mind could not be attached to this vehicle.

My amendment would have said that if you are going to allow one town to become a district, then so too the towns that have already joined the parent town, if they are willing to assume the indebtedness, they should be able to withdraw from the districts.

Now Mr. Cyr has spoken about sharing the wealth. I don't feel that the gentleman wants to share the wealth of Madawaska with the other towns because he went into quite a lengthy debate on how much they would be paying in relation to the other towns.

Now in my district, my town pays 74.2 per cent of the cost. We have 60 per cent of the pupils. Out of a board of 20 directors we have 9 directors. So we are paying the lion's share. This is what I call sharing the wealth. It is not sharing the wealth when you are looking only toward your own town.

In the 104th we had these bills, and these were opposed. And I feel today that to allow a bill like this to be passed would be a great disservice to the people of the

towns that have already joined the districts. And maybe later on, after study, something like this could be done, but at this time this would not be a good bill to allow to be passed.

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

Mr. BRAUN: Mr. Speaker and Members of the House: I rise in defense of Mr. Cyr. As I spoke the other day, our town was vacuumed into a school district, as I told you. When they tell you that two high schools can be maintained in the same district, this is not true. Belgrade had a new high school; Oakland had a good high school, and what happened the minute we joined? We were told that this would only affect the high school students. It didn't; it went down through the grammar schools, right down through the smaller grades. They built a monstrosity of a school building. They sold off some of our good buildings. All the students from Belgrade come into our town today.

And you know that when people have in your town the biggest majority on the school board of voters, they are going to vote for your district. And if anyone doesn't believe this, they want to go down to Belgrade. Now I happen to live in a town that does have the majority of the voters.

The children are not getting as good as they did before because we have a drug problem that we never had in the small school when this could be watched. And we were told the other day that 60 per cent of our students are taking drugs under this.

Now on the other hand, in regards to extra costs, the school buses, these children have to ride about thirty miles each day. They are picked up in the morning at half past six. They don't get home until five o'clock at night.

Now I maintain, let's keep the schools where they are; let's transfer the teachers. And I go along with Mr. Cyr.

The SPEAKER: The pending question is passage to be engrossed. A roll call has 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 passage to be engrossed of Bill "An Act to Create a School Administrative District in the Town of Madawaska," House Paper 641, L. D. 871. If you are in favor of this Bill being passed to be engrossed you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, B o u d r e a u, Bourgoin, Brawn, Call, Carrier, Carter, Clemente, Cote, Curran, Curtis, T. S., Jr.; Cyr, Dow, Doyle, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gagnon, Gauthier, Good, Goodwin, Hancock, Hardy, Hodgdon, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lewis, Lincoln, Littlefield, Marsh, Martin, McNally, McTeague, Mills, Murray, P a r k s, Pontbriand, Rocheleau, Rollins, Santoro, Sheltra, Slane, Starbird, Tanguay, Theriault, Webber, Wheeler, Whitson, Williams, Wood, M. E.

NAY — Ault, Baker, Barnes, Birt, Bragdon, Brown, Bunker, Bustin, Carey, Clark, Collins, Conley, Cottrell, Crosby, Cummings, Curtis, A. P.; Dam, Donaghy, Finemore, Genest, Gill, Hall, Haskell, Hawkins, Hayes, Henley, Herrick, Immonen, Jalbert, Jutras, Lawry, Lee, Lewin, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Marstaller, McCloskey, McCormick, Millett, Morrell, Mosher, Norris, O'Brien, Page, Payson, Porter, Pratt, Rand, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Trask, Tyndale, White, Wood, M. W.; Woodbury.

ABSENT — Churchill, Cooney, Dyar, Evans, Hanson, Hewes, Kelley, K. F.; Lessard, Manchester, McKinnon, Orestis, Silver-

man, Smith, E. H.; Vincent, Wight.

Yes, 68; No, 67; Absent, 15.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty-seven in the negative, with fifteen being absent, the Bill is passed to be engrossed.

Sent to the Senate.

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

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

Tabled — April 2, by Mr. Millett of Dixmont.

Pending — Adoption of House Amendment "A" (H-101).

Mr. Dam of Skowhegan withdrew House Amendment "A".

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

House Amendment "B" (H-104) was read by the Clerk.

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

Mr. MILLETT: Mr. Speaker, Ladies and Gentlemen of the House: The amendment offered here this morning would do one thing and that is, at the annual SAD budget meeting it would require that votes taken on the articles contained within the budget warrant be done so by written ballot.

Now most of you who have attended a School Administrative District budget meeting know that it is operated under the normal moderating rules. There are various ways that voting could take place, but it is my understanding that if a majority of the citizens prefer presently that the vote be taken by secret ballot, they may request and, upon proof of a majority, this may be done.

We talk a lot about home rule, and we talk a lot about being able to vote intelligently and sometimes it is questionable if we do so, but I would believe at this time that this would be unnecessarily restrictive upon the method of voting in the School Administrative District annual budget meeting. The title is a little bit misleading. It is not elections, it is the annual

budget meeting that we are talking about.

Again, I will follow my blunder of previous debate and I won't make a motion, but I don't believe that this amendment ought to pass.

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

Mr. DAM: Mr. Speaker and Members of the House: I offered this amendment, and I believe it is a good amendment. And in the statement of fact, I think it quite clearly tells why. It says, "It is the intent of this amendment to make uniform voting on budgetary matters of School Administrative Districts."

Now many of you people, when you have been to your district meetings, you will find that motions are made to allow secret voting, and then because of the overwhelming forces on the side of the education system, they defeat this motion. Now this would make it mandatory that the budget be voted on by a secret ballot.

Now many people who go to these meetings, and these are not people who are connected with the system but people who have children in the schools, do not stand up even though they will say before the meeting, "I oppose this budget." They will not stand up and oppose this budget or raise their hand to oppose the budget because they feel that possibly this will be taken out on their children in the system. I believe this.

I am on the school board and I have supported the budgets and we have passed budgets the past years — the year before last we passed one with a \$440,000 increase, and again this year we went with one with a \$293,000 increase and we sold it to the people. But there were people sitting right there that did not feel that they could vote against the budget because they had children in the system. And I think this is fair. This is a fair amendment; it is a good amendment, to say to the people that you can have secret voting.

Now we will go into this business of district meetings. You do not

get the coverage in the papers that you should get prior to your meeting. Big coverage comes after the meeting is held and a cut is made or the budget is approved. You do not get the advertising to tell the people when the budget meeting is going to be held. Many people do not today, in the State of Maine, understand on this business of the SAD 5's that the budget meeting is the meeting to vote on the amount of money that they are going to raise to support the school systems.

Now I can bring to the members of this House many annual reports of the small towns in the State of Maine where they still insert the article, and these towns are members of SAD's, where they still insert the article to see what sum of money the town shall raise or appropriate for the support of the schools for the ensuing years.

Now these are your town officials. They are inserting these articles in the warrants, and I have these warrants and the town reports with these articles in it. And this goes to show you that the people are confused. And if we had this as a law saying that you shall vote by secret ballot, then this would take a lot of this feeling away from the people, and I think we would get a lot better representation and a lot better feeling of the consensus of the people as far as passing the budget.

The SPEAKER: The Chair recognizes the gentleman from North Berwick, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker and Members of the House: I rise to wholly support the gentleman who just spoke. In our district meeting this past year we had absolute chaos. If we had had this amendment before us, and that was the way we had to vote, I am sure that we could have been much more successful than they were. Thank you.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I have to rise to oppose my good friend Mr. Dam. This

particular bill that we have before us pertains to all capital outlay proposals anyway, which would be by a referendum ballot or a secret ballot. His amendment does propose to change Section 226 which would be for the annual budget meeting within any particular district.

I would submit to you that these people at the present time, namely through one bill that has been passed here already this year, have the right at the local option, if they wish to change their own local school board policy, that they can have a secret ballot any one particular year. I do not believe that it behooves us to mandate from this body on down to every school district in the entire State of Maine, that they shall have every one of their budget articles voted on by a secret ballot.

The moderator, as Mr. Millett has said, has the authority to stand, assume the position, and state what particular rules of order that the House will operate under that particular day. A majority of the people at any time—and we still live in a democracy, and I repeat, a majority of the people at any time on that particular floor may offer a motion and pass such motion to the point that the budget would be taken by secret ballot.

I would also submit to you that if we did this, that many school district elections would be held up for hours upon hours while every single budget item upon that particular warrant would have to go to a checklist in a secret ballot; and I would urge that you not accept this particular amendment.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I rise in support of Mr. Dam's amendment. Now it has occurred to me that some of the arguments that have been used relative to this amendment in the past few minutes are remarkably similar to the arguments that I used several weeks ago when we unsuccessfully fought for my referendum election. And I do believe in the principle of

any citizen to have the right to vote on an issue of appropriations or on financing of public projects, be it in the school system or be it in the municipality.

I believe that this is another one of those cases where if we guarantee the individual citizen the right to vote, without worrying that his decision being made public before the rest of the people present will interfere with his own children's education, through harassment has been suggested or just merely because he might desire to make this decision in the own privacy of the pencil and paper in front of him. I think that he ought to be guaranteed this right and therefore I support the amendment and I hope that the House will adopt it.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I rise in support of this amendment of the gentleman from Skowhegan, Mr. Dam. We had this sad experience in SAD 75 this past February. Certain people were unable to get a written ballot because of some people's ability to understand parliamentary procedure and a good many of the citizens from my town wanted to get at the budget and they were unable to. So I hope that you will go along with the motion to adopt this amendment.

The SPEAKER: The Chair will order a vote. All in favor of the adoption of House Amendment "B" will vote yes; those opposed will vote no.

A vote of the House was taken. 95 having voted in the affirmative and 27 having voted in the negative, House Amendment "B" was adopted.

The SPEAKER: Is it now the pleasure of the House that this Bill be passed to be engrossed as amended?

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I was glad to see this amendment. This makes the bill a little more palatable, but it would seem to me if you

would take the time to read the bill, it doesn't just go down good for me. It says, Section I, Revised Statutes, Title 20, Subsection 225, Sub-subsection 2, in the laws of 1967 is repealed and the following enacted in place thereof:

“ . It shall be the responsibility of the school directors to prepare the warrants for the town meeting of city elections, such warrants to be countersigned by the municipal officers of each municipality where the warrant is posted.”

Now this is the part that I maybe don't understand, or it doesn't look right to me, because as you go on further — and I am going to read it to you in a minute — but for many many years the Town Clerk has done this. They have been very devoted people, and they have been in the business — most of these Town Clerks have been doing it for many years, and I consider them being very efficient. It would seem to me that it would take from the Town Clerk and put it in the hands of these directors, and it would look to me something like the tail wagging the dog pretty soon when it comes to education. Because it goes on to say:

“It shall further be the duty of the board of directors to prepare and furnish the required number of ballots for carrying out the election as posted.”

Now it would seem to me that they are getting into the field where the Town Clerk has always done a very able job in most of these communities, and I would hate to see the schools get into this end of the running of the municipal affairs, where they interfere with the Clerk and municipal officers. And so far as I am concerned it is run very adequately now. I see no need for the bill, and I am sure the House will pass it if there is. But from my point of view I see no need, and I move that it be indefinitely postponed right now. Thank you.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, now moves the indefinite postponement of L.D. 1523 as amended.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I am not sure I can convince anyone, especially Mr. Dudley, that he is wrong. However, I would like to point out that he is talking of an entirely different subject than the bill deals with. And to clearly make this clear in your own minds, we are talking not about the annual budget meeting in the bill. The bill deals with referendum questions which go out to the people in the various towns and are voted upon within the respective towns. This is on bond issues, on formation of a district, on adding another town to a district, such matters which were handled in the normal Australian ballot fashion.

I would further point out that earlier in this session we had two validation bills where the same Town Clerks and Selectmen whom Mr. Dudley praises have made — and this is not an attack on my part on their ability to do so according to law — but made minor errors in the posting of seven or eight different warrants, as many towns as there were, causing bond counsel to turn thumbs down on the approval of the vote.

Now what we are doing here — and I alluded to this bill earlier in this session — we are trying to provide a method by which one uniform warrant may be published and posted in the various towns when an Australian ballot election is being taken in order to satisfy bond counsel that no irregularities or no nonconformity to law situations have arisen.

Now this is a good bill, but I hope that you will take it for what it is designed and not a bill related to the annual budget meeting.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Enfield, Mr. Dudley. I go along with what Mr. Millett has just told you about this bill, and this is just what the bill does, merely to clarify a situation now that results in a lot of confusion when it goes to the people in regards to bond issues or anything

that requires individual towns within a district to vote. I hope you will vote against the motion to indefinitely postpone this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Well, I seem to be right. It does take it away. I assumed that it did. It takes away from the Town Clerks, and so there are some people here that are assuming that these Town Clerks don't do a good job, and I assume they do a good job. And I assume they may make mistakes; I have made some. And no doubt that you have; and no doubt this new group you put in — the more people you put in there doing it, the more mistakes you are going to have. They are proposing a whole group of people do it now. And the more you get in there, the more mistakes you are going to have.

So I stick by the Town Clerks. They do as good a job as any group of people you can get, and I don't believe taking them out of this and putting it in someone else's hands is going to improve the situation one bit.

The SPEAKER: The Chair will order a vote. All in favor of indefinite postponement of Bill "An Act relating to School Administrative District Elections," House Paper 1237, L. D. 1523, will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 103 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "B" and sent to the Senate.

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

Bill "An Act relating to Temporary Loans by the State" (S. P. 489) (L. D. 1381) — In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-56) — In the House, Senate Amendment "A" adopted; passage to be engrossed reconsidered.

Tabled—April 2, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: If you will take a look at L. D. 1381 you will note that it was supposedly an emergency to take care of a problem that supposedly we had in the law books. And what it amounted to, of course, was that supposedly the law did not allow for temporary borrowing when it involved MIBA.

Last week the Supreme Judicial Court of the State in an advisory opinion to the Governor of the State has made it quite clear that the law does allow for a temporary bonding. And so this bill would accomplish nothing, because the Courts have already ruled that that is what is on the books.

And so with that in mind I would simply move that the bill at this point be indefinitely postponed.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that L. D. 1381 be indefinitely postponed.

Thereupon, on motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Martin of Eagle Lake that the Bill be indefinitely postponed in non-concurrence and tomorrow assigned.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

HOUSE DIVIDED REPORT — Majority (11) "Ought not to pass" — Minority (2) "Ought to pass" — Committee on Education on Bill "An Act to Create a School Administrative District for the Town of Orono" (H. P. 804) (L. D. 1077)

Tabled — April 2, by Mr. Millett of Dixmont.

Pending — Acceptance of either Report.

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

Mr. MILLETT: Mr. Speaker, I move this item lie on the table for one legislative day.

The SPEAKER: The gentleman from Dixmont, Mr. Millett, moves that L. D. 1077 be tabled until the next legislative day pending the acceptance of either Report.

Mr. Curtis of Orono requested a division.

The SPEAKER: A vote has been requested on the tabling motion. The pending question is on the motion of the gentleman from Dixmont, Mr. Millett, that this matter be tabled until tomorrow

pending the acceptance of either Report. If you are in favor of tabling you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 29 having voted in the negative, the motion did prevail.

On motion of Mr. Carey of Water-

ville,
Adjourned until nine o'clock tomorrow morning.