

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, May 18, 1971

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

Prayer by the Rev. Mr. David Dunn of Augusta.

The journal of yesterday was read and approved.

Order Out of Order

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

ORDERED, that Teri, Nancy and Janre Mullins of Jefferson be appointed to serve as Honorary Pages for today.

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

**Papers from the Senate
Conference Committee Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Age Limit for Motor Vehicle Operator Licenses" (S. P. 4) (L. D. 18) reporting that they are unable to agree.

(Signed)

HICHENS of York
SCHULTEN of Sagadahoc
CLIFFORD

of Androscoggin

— Committee on part of Senate.

DUDLEY of Enfield
McNALLY of Ellsworth
LEBEL of Van Buren

— Committee on part of House.

Came from the Senate with the Conference Report rejected and that body voting to further insist on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A", and asking for a second Committee of Conference, with the following Conferees appointed on its part:

Messrs. KATZ of Kennebec
KELLAM of Cumberland
JOHNSON of Somerset

In the House:

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Lebel.

Mr. LEBEL: Mr. Speaker, I move that we adhere.

The SPEAKER: The pending question is the acceptance or rejection of the Report.

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

Mr. DUDLEY: Mr. Speaker, I believe we should reject the Report and I also agree with Mr. Lebel that probably after we reject the report we should adhere.

The SPEAKER: The Chair would advise the gentleman that if you wish to adhere you should accept the Committee Report.

Whereupon, on motion of Mr. Ross of Bath, the Conference Committee Report was accepted in non-concurrence.

On motion of Mr. Lebel of Van Buren, the House voted to adhere.

From the Senate: The following Order:

ORDERED, the House concurring, that Senators Elmer H. Violette and Richard N. Berry be authorized to represent the Maine Legislature at the White House Conference on Domestic Problems convening May 19, 1971; and be it further

ORDERED, that all necessary expenses incurred pursuant to this Order be paid from the Legislative Account (S. P. 589)

Came from the Senate read and passed.

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

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve Appropriating Funds for Flood Control at the Penobscot Reservation on Indian Island (S. P. 342) (L. D. 1013) (Later Reconsidered)

Report of same Committee reporting same on Bill "An Act to Establish the Maine Commission on Children" (S. P. 468) (L. D. 1491)

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

Leave to Withdraw

Report of the Committee on State Government on Bill "An Act relating to Actions by the Attorney

General for Injury to Tribal Lands" (S. P. 364) (L. D. 1103) reporting Leave to Withdraw.

Report of the Committee on Transportation reporting same on Bill "An Act relating to Records of Sales of Motor Vehicles by Dealers and Transporters" (S. P. 413) (L. D. 1228)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted inconcurrence.

Covered by Other Legislation

Report of the Committee on County Government on Bill "An Act Increasing Salary of Sheriff of Cumberland County" (S. P. 274) (L. D. 810) reporting Leave to Withdraw, as covered by other legislation.

Report of same Committee reporting same on Bill "An Act Increasing Salaries of County Officials of Aroostook County" (S. P. 275) (L. D. 811)

Report of same Committee reporting same on Bill "An Act to Increase the Salaries of County Officers of Waldo County" (S. P. 296) (L. D. 853)

Came from the Senate read and accepted.

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

Referred to Next Legislature

Report of the Committee on State Government on Bill "An Act Providing for the Reclamation of Abandoned Forest Produce on State Property" (S. P. 419) (L. D. 1234) reporting that it be referred to the 106th Legislature.

Came from the Senate with the Report read and accepted and the Bill referred to the 106th Legislature.

In the House, the Report was read and accepted in concurrence and the Bill referred to the 106th Legislature in concurrence.

Ought to Pass Amended in Senate

Report of the Committee on Natural Resources reporting "Ought to pass" on Bill "An Act Phasing out Log Driving in the Inland Waters of the State" (S. P. 451) (L. D. 1297)

Came from the Senate with the Report read and accepted and the

Bill passed to be engrossed as amended by Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-169) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Ought to Pass with Committee Amendment

Report of the Committee on Legal Affairs on Bill "An Act to Amend the Snowmobile Law" (S. P. 484) (L. D. 1592) 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-164) 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 Judiciary on Bill "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court" (S. P. 392) (L. D. 1170) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot
— of the Senate.

Messrs. HEWES of Cape Elizabeth
KELLEY of Caribou
Mrs. WHITE of Guilford
Mr. ORESTIS of Lewiston
Mrs. BAKER of Orrington
Mr. LUND of Augusta
Mrs. WHEELER of Portland
— of the House.

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

Report was signed by the following members:

Messrs. HENLEY of Norway

PAGE of Fryeburg

CARRIER of Westbrook

— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Portland, Mrs. Wheeler, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: As you will note, three of us signed the report "ought not to pass" or the report with Amendment "B", which does give an increase to the judges, but it does not give all the increase called for.

We realize, and it will be brought out, our judges perhaps are lower paid than they are in a lot of states, Superior Court, District Court, etcetera; but we know that a lot of our officials are lower paid than they are in some other states. Our state has a lower standard of income than a lot of states; still a lot of us prefer to live here.

The Superior Court Judges got a raise within the past two years and we feel that the bill that called for a \$2500 raise in some cases and \$3,000 in others is more of a jump than we should make at this time. This is primarily a very conservative legislature and it seems to me that if we make that kind of an increase in some of the brackets and then maybe come out at the small end of the horn with a lot of our lower brackets in the state employees that we are perpetrating a definite injustice.

We know that we are going to have to go along in this legislature with a very tight budget. The three of us who signed the "ought not

to pass" on the regular bill did allow for a \$1,000 each increase annually. Now to a lot of us a \$1,000 increase isn't hay, it isn't peanuts. We felt that that was somewhat within keeping with the problems we are faced with in this legislature. With the uncertainty of substantial increases for our rank and file of state employees, with our schools and universities crying for more money and expansion, it was our belief that a half a loaf was certainly better than none; and consequently we felt in brief that that was the best way to approach this subject this time.

I hope that the House will see the philosophy of this and reject the Majority "Ought to pass" and then we will accept the Minority.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: It seems strange to me that this bill should be before us with a two to three thousand dollar pay hike when we rejected a pay hike for legislative members last week. Legislative members are grossly underpaid, and in checking with the figures here the Superior Court Justice makes more than the Governor of the state and is looking for close to a \$3,000 pay hike.

I would repeat some of the arguments that were made against our pay hike, the opponents used last week, that this is probably the wrong time for such a thing with the income tax coming up for referendum.

I would hope that this body would reject the Majority "Ought to pass" Report and the Minority "Ought to pass" Report and have the entire bill indefinitely postponed.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I am not a member of the Judiciary Committee; however, I am familiar with the legislation and I do support the majority viewpoint. It seems to me that we should elevate the income of our judiciary to a level that is in

keeping with their status and I note that the judiciary in Maine, the Superior Court and the Supreme Judicial Court, are among the lower paid judiciary in the New England states. In fact all of the other states in New England have a better level of income.

I would hope that you would support the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Page

Mr. PAGE: Mr. Speaker and Members of the House: I signed the Minority Report for two reasons. You may remember that we increased the District Court judges in order to get a better balance between them. If we did this \$2500 increase, this balance would be thrown off.

Also I took into consideration the retirement benefits that judges have. They do not have to contribute but they may retire at three quarters of the salary, not of what they are getting now but any future judge. For instance, if somebody retired ten years ago they would not be getting three quarters of that pay, but they would be getting three quarters of the pay of the present judges.

This is the reason that I signed the Minority Report.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: Last session the Justices received a substantial pay hike from the Legislature, and one of the gentlemen said that the pay should be hiked in accordance with the prestige of the office and what their worth are. I am wondering if \$2,500 would be befitting of a legislative member. And to clarify it, I now move for indefinite postponement of the bill and both reports.

The SPEAKER: The pending question now before the House is on the motion of the gentleman from Portland, Mr. Vincent, that both Reports and Bill be indefinitely postponed.

The Chair recognizes the gentleman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I wish to go on record as being opposed to the indefinite postponement of this bill and the Committee Amendment "A". I support this increase of the judges; I think it is justified. And when we take into consideration the income from a lawyer's practice, I think it is a sacrifice to go on the bench as a judge in this state.

I don't think that this salary is exorbitant for the work that we require, what we expect of our judges. So I wish to support the Committee Amendment "A" and oppose the indefinite postponement.

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

Mr. LUCAS: Mr. Speaker, Ladies and Gentlemen of the House: I will support the pay increase for the judges, not because I did not receive one as a legislator last week. I don't believe that we should take our wrath out on the judges just because this body failed to increase our own pay. So I have to disagree with my fellow legislator from Portland, Mr. Vincent, and ask that this bill not be indefinitely postponed and that the judges do receive a due increase this term.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I will just take a moment, and I wasn't on the floor a moment ago so perhaps you have already heard this. You all have on your desks a copy of the magazine of the American Judicature Society, which indicates on page 195 the rank by state of salaries of the highest appellate and trial courts. You will note that Maine ranks 49th in salaries paid to the Supreme Court judges of all the states in the fifty states of the nation and ranks 42nd in salaries paid to the general trial court justices. So I think that this salary increase that our committee reported out is a fair one and I would ask you to oppose the indefinite postponement of this bill

and support Report "A" that the committee reported out.

Just as our increase to the District Court judges was to equalize their salaries, so is this report to equalize the salaries of the judges here commensurate with the responsibility of their office as compared to the similar offices throughout the country.

Now it is difficult to expect a lawyer at the peak of his practice, who has the expertise and the quality of legal knowledge high enough to put him on the bench, to give up the lucrative practice for a small amount of income from the state. I think that the salary increase that we asked for was a reasonable one and I think that you ought to support it.

The SPEAKER: The Chair recognizes the gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I support the Majority Report of our committee. I feel very strongly that our judges earn and deserve this salary increase and I hope that the members will support it too.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I concur with indefinitely postponing this bill and I have a few reasons that should be considered.

Now the people that I represent here, and those are the ones that I am particularly interested in this morning, are all getting cuts in pay, less hours and less pay. I understand that maybe someone has explained to us that our judges may get less than in some other state, but all of our professional people do. Our doctors get less than in Connecticut or any other state; a lot of our professional people do. Our workers by and large get less money in Maine than they do in other states.

I don't think that this is a valid argument. I don't think that this is a time to raise people's pay. In other words, I am not against the judges; I am against at this time all increases in government employees. For the very simple reason that it is wrong and it seems wrong in the eyes of the public that

I represent, that we will increase these people that are supposed to be public servants while they are taking decreases in pay, both in hourly rate and hours.

So I do hope that this matter will eventually be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: As a signer of the Minority Report I wish to say that I am against the motion for indefinite postponement of the bill. I think that due consideration has to be given, that maybe these people do need a raise, although I personally don't believe so. And I will say this, that in committee and any other meetings about this bill, or any other bills where it involves judges' raise in pay, that there is always the thing that was said this morning, that nobody wants to leave a lucrative business in order to do the work of the judges for that amount of pay.

Well, let's be realistic about this. We had some openings here the last term and there were more people that wanted to be judges than you could ever use. And some of them were very capable and they still are capable, and I submit to you that it is not the wages that they are paid that draws them to this job.

I do not support the motion of indefinite postponement. Because I have signed the Minority Report I am willing to go along and give them a decent raise, but not the amount that the Majority Report is suggesting. Therefore I will oppose the motion of indefinite postponement and I hope you oppose the motion to accept the Majority Report and accept the Minority Report.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am going to support the motion for indefinite postponement of this paper. For in county committees we had some of this under investigation on court houses and so forth, and we found that the

work load had not increased to the extent to necessitate any increase in wages.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentleman of the House: As you all know me, I dislike the argument that for money we can get better people. And maybe our high court system, they are ranked 49th on the salary scale and the lower courts the 42nd in the nation, but I don't consider these people that hold these offices 49th in the nation in the higher court, or 42nd in the nation in the lower court. I feel that they are very capable people.

I am going to support the pay raise this morning, but I dislike the argument that we get up and say that for more money we get better people. We have high quality people that are sitting as justices and I don't believe that you can get up and say that because they are 49th paid in the country that they are 49th in stature. They certainly are not as far as I am concerned.

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

Mr. ORESTIS: Mr. Speaker, Ladies and Gentlemen of the House: Since I practice before both the courts that we are discussing this morning, I want to make it perfectly clear that none of my remarks were meant to be any reflection on the quality of the justices of the Supreme or the Superior Court. However, I would suggest, tell you that the rank of salary does reflect upon one's decision when he has a chance to go on the bench. I think in the future if we can make these salaries high enough so that we come up in that ranking — and I don't think the ranking is important, it is the numbers of dollars that are important, that we will continue to attract consistently good judges.

I have no complaints about the quality of the judges that are on the bench now. I would suggest, however, that although I am not at liberty to reveal any details, there are judges on the bench that are of the opinion that they are hav-

ing difficulty meeting their financial obligations with the salary as it is now. I would suggest that with the openings coming up on the bench, and if there are new openings created, that we are going to find it difficult to attract young men of quality with a lucrative practice to go on the bench unless we do raise this salary.

I just want to make it clear that I have no complaints about the judges that are there now or else I wouldn't be asking for a pay raise for them. I think the committee has closely looked into the matter and you will see that both the Majority and Minority Reports do ask for a raise. I think that the Majority Report more accurately reflects a realistic raise for the judges and I would ask you to support that report.

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

Mr. HENLEY: Mr. Speaker and Members of the House: This seems to be a problem every two years. I would like to discuss briefly one of the things that Mr. Orestis of Lewiston brings out, and that is to attract young attorneys to be judges. I still insist, and I think it has been proven in history, that very few really young men either have the desire or the capability or the experience and background to act as judges. It seems to me that most of our judges are and should be in a little bit later life than young men.

I also wanted to state that inasmuch as I signed the Minority Report I will oppose the indefinite postponement as Mr. Carrier of Westbrook stated. I feel that inasmuch as we are behind in our scale of judges, based on the other states, that they should get a small raise; and to them the \$1,000 of course is a small raise. But everything is in proportion, to some people it is a large raise.

Now again Mr. Carrier stated that there hadn't been too many vacancies that haven't been filled in judgeships through the years, and I think the same thing applies now. Judges do have a fairly heavy expense sometimes in travel, going from here to there; but as far as their having a prob-

lem in making both ends meet, do not we all have problems making both ends meet? It seems in this era no matter how much money we make we still have those problems; and I presume that judges have it as well as lawyers, schoolteachers and insurance men.

The retirement benefits that our judges in this state do have are tops; they are better than almost any of the other states. I think that is a very important factor and we considered that in our committee when we made that decision.

So I urge you to oppose the indefinite postponement and then accept the Minority "Ought to pass" Report.

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Vincent, that both Reports and Bill "An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court and Judges of the District Court," Senate Paper 392, L. D. 1170, be indefinitely postponed. The Chair will order a vote. All in favor of the motion to indefinitely postpone will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 95 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Portland, Mrs. Wheeler, that the House accept the Majority "Ought to pass" Report in concurrence. The Chair will order a vote. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in non-concurrence and the Bill was read twice.

Committee Amendment "B" (S-166) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Final Report

Final Report of the following Joint Standing Committee:

Liquor Control

Came from the Senate read and accepted.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act relating to Steel Guardrails on the Maine Turnpike" (H. P. 619) (L. D. 830) which was passed to be engrossed as amended by House Amendment "A" in the House on May 11.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendments "A" and "B" in non-concurrence.

In the House:

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

Mr. LIZOTTE: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Biddeford, Mr. Lizotte, moves that the House recede and concur.

The Chair recognizes the gentleman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: There appears to be some question as to the constitutionality because of the time limit that was just placed in this bill. We have not received a ruling from the Attorney General's office that we have been waiting for and I would ask someone to table this until we receive this.

Whereupon, on motion of Mr. Porter of Lincoln, tabled pending the motion of Mr. Lizotte of Biddeford that the House recede and concur and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Legislative Service under the State Retirement System" (H. P. 633) (L. D. 863) which was passed to

be engrossed as amended by Committee Amendment "A" in the House on May 14.

Came from the Senate indefinitely postponed in nonconcurrency.

In the House: On motion of Mrs. Lincoln of Bethel, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Revising the Laws Relating to Logs and Lumber" (H. P. 1314) (L. D. 1722) which was passed to be engrossed in the House on May 13.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrency.

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

Messages and Documents

The following Communication:

The Senate of Maine

Augusta, Maine

May 17, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

The Senate today voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Amend the Municipal Public Employees Labor Relations Law" (H. P. 420) (L. D. 547). The President has appointed the following members of the Senate to the Committee of Conference:

Senators:

CHICK of Kennebec

MOORE of Cumberland

DUNN of Oxford

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Cooney of Webster it was

ORDERED, that Rev. Carl Geores of North Leeds be invited to officiate as Chaplain of the House on Wednesday, May 19, 1971.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, is L. D. 1077 in the possession of the House?

The SPEAKER: The answer is in the affirmative. An Act to Create a School Administrative District for the Town of Orono, House Paper 804, L. D. 1077, which was indefinitely postponed yesterday on passage to be enacted.

Mrs. LINCOLN: Mr. Speaker, I move reconsideration of our action of yesterday whereby we voted to indefinitely postpone L. D. 1077.

The SPEAKER: The gentlewoman from Bethel, Mrs. Lincoln, moves that the House reconsider its action of yesterday whereby this Bill was indefinitely postponed.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Today I am asking my colleagues in this House to reconsider the action taken yesterday. Originally, this House overturned an 11 to 2 "Ought not to pass" Report from the Education Committee on the Orono SAD bill. I can understand why the chairman of that committee would be upset and attempt to reverse the action of this House, but I was amazed at his speech yesterday attacking L. D. 1077. I respect and admire Mr. Millett and believe he is a fair man, but yesterday I think he was misled and I think that the House is in danger of being misled also.

His arguments included several that I could hardly believe. The first was that L. D. 1077 was a "goodie" bill that I was promoting for the sole benefit of my constituents to the detriment of the rest of the state. This suggestion upsets me very much, because I only introduced the bill at the unanimous approval and request of both the Orono School Board and the Orono Town Council.

This bill was introduced as a last resort, after Orono had tried every other means available to create an SAD through the regular channels. Those efforts, extending over most of a decade,

have been made in good faith by the citizens of Orono. A year ago, Veazie turned down an SAD with Orono. We were disappointed, but Orono still educates the majority of the Veazie high school students, 57 right now, and takes these students willingly. There is no indication that Orono will not continue to accept Veazie students, but should Orono schools become overcrowded to the point that we could no longer, in good faith, to the education of our students, accept Veazie students, the first organization complaining about Orono's action and provincialism would probably be the same Department of Education that is now so strenuously opposing an SAD for Orono.

Representative Millett claimed that L. D. 1077 would cost the State of Maine a quarter of a million dollars in the next biennium, a quarter of a million dollars to which Orono should not be entitled. L. D. 1077 would do no such thing and I think that it is such an outrageous charge that it took me awhile to figure out how his statistics were determined. I guess I am just a freshman legislator and a little bit naive about how these things happen and how the Department of Education goes about providing information.

The truth of the matter is that with an SAD Orono would receive about \$37,000 additional money from the state, including both a subsidy bonus and also a share of construction assistance. Now, was the quarter of a million dollars that Representative Millett mentioned yesterday a figment of the imagination of the Department of Education? Almost, but not quite.

It seems that periodically the Department of Education polls the different towns to inquire what construction is being planned. Orono, being a community that likes to plan for the future, has a school building committee that has dreams of improving our school system and they have a phased plan for future school construction. Some of these goals are good ones and may be approved by the voters of the town in the future; others will never be approved. But, apparently the Department of Educa-

tion has added all these dreams together, put a price tag of \$750,000 on them, figured that the State would provide 20 to 25% of the construction cost in an SAD, made the fantastic assumption that all of that construction would be accomplished in the next biennium, and deduced that the cost to the state would be a quarter of a million dollars.

The citizens of Orono want good education, but we haven't lost our wits. Even with some state aid, Orono is about as likely to vote all that construction as this body is to tax Mr. Susi's baby bottles.

I would not want to be accused of the same overstatement as that which I complain about. Certainly, we need some construction in Orono; that's why I introduced the bill. Yesterday, Representative Millett sounded like I was trying to raid the General Fund in the next biennium. What Orono would like is a fair share of the \$50 million school construction bond issue voted by the people of the state. My people pay taxes, just like the people throughout the state, and part of our state taxes go to pay for that bond issue.

Yesterday, Representative Millett suggested that Orono was not making a good educational effort. It might be of interest to this House to know how Orono citizens voted on that \$50 million bond issue. Records from the Secretary of State's office indicate that Orono voters approved that bond issue 1,583 to 465, or a ratio of more than 3 to 1. It might also interest this House to know that the citizens of Dixmont voted for the bond issue by a vote of 76 to 67, a margin of 9.

Orono, which voted overwhelmingly for the bond issue, does not benefit from it; Dixmont, which barely voted for the bond issue, does benefit because Dixmont is in an SAD. Yet, the Representative from Dixmont stood on this floor yesterday and stated that Orono does not make an adequate educational effort. The truth seems to be that Orono is not only paying for all of its own construction but also for part of other communities including Dixmont.

Mr. Speaker, I am upset because the schoolchildren of my area are being shortchanged and the only votes they have on the floor of this House are those of us who are upset about the inequities of our education system. And the only remedy available to our children is that little button we can push to the left or the right; and, my colleagues, on behalf of the children of Orono and Veazie, I ask you to push that little button to the left.

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

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

Mr. MILLETT: Mr. Speaker and Members of the House: The gentleman from Orono reiterated several times during his remarks that he was a little bit upset. I find myself in that same position right about now in view of the implications that I might have misled you a little bit yesterday, and I would like to justify the remarks that I made then, to correct a few statements which have been made this morning which are not true, and also to talk a little bit more specifically to the bill before us.

First of all, the implication that I distorted some figures is grossly incorrect. I used the figures supplied only by the citizens of Orono. I would reiterate that the gentleman talked about \$37,000, which is approximately the requirement and bonus alone during the upcoming biennium. He did include construction aid along with that.

Now I would point out to the proponents of L. D. 999, and there are several of them here in the House — I suspect 40 or 50 votes as a conservative estimate, who really are asking themselves to pass two hurdles before they become eligible for school construction aid. Those two hurdles are the hurdle of the Appropriations table where that bill now rests, and also the hurdle of justifying area needs. The bill that Mr. Curtis has here would circumvent those two hurdles. In other words, he would be secure in making sure that he would be eligible for school construction aid, without meeting

the two tests that all of the rest of you would meet.

I talked about a quarter of a million dollars. My figures are accurate. I will just reiterate, \$204,000 is the share at current percentages that Orono would receive if they perform the construction they said they were going to perform. Now I don't have any crystal ball. I don't know whether they are going to or not. I didn't compile the figures. But the figures were submitted, as many other communities did submit to a survey, stating that these were the construction needs they anticipated, not in the next ten years but in 1972. Now I have only the figures available that were submitted in good faith, I assume, and I base my argument purely and simply upon those figures.

I could ask a few questions too, and I resent the comparison of the little rural town of Dixmont, which many of you will never visit, and probably on a comparative basis culturally, economically, and every other way you want to compare them, doesn't stand a chance in comparison with Orono. We don't intend to. We are happy, and I don't promote my town as the gentleman from Orono seems to want to do in here today. I don't say my voters are any more intelligent than his either, but I think they are just as practical. And I say that this is not a practical bill here this morning.

And I would also point out that the comment that I made a statement yesterday — and I am very careful that I don't make slanderous statements as the implication implied, that Orono was not making an equitable school effort is totally false. I would be very careful not to make that implication. In fact, I remember very clearly about a month ago when this little gem occurred here earlier, I went out of my way to praise the Town of Orono.

There was another little problem which the gentleman skirts every time he brings up this little pet bill, and that is that the University of Maine in Orono is a tremendous liability to the citizens of Orono. I know differently; I suspect all of you do. They talk about the property tax that they don't collect in

view of the fact that the University is tax exempt. But the very same people, and I might admit a highly educated clientele in the general public in Orono, would fight to the last gun to preserve that University population in every way. I believe they should. I am from Penobscot County too, and I realize the University of Maine, most of the time, is an asset to our area.

I don't always agree with some of their policies and I suspect that the gentleman himself does not, but he would be the first one to say that the University of Maine in Orono should stay at full force within his boundaries. In fact, I am sure that he would do everything to improve upon that population. Economically there are tremendous benefits to the population in Orono.

Now I just ask three questions here this morning, and I am not going to belabor this any further. I think all of us have added our share to noise pollution here and I would like to kind of tame mine down, but it keeps coming back. I would just ask you to think about this. Why, simply why should Orono receive the benefits of an additional \$37,000 to \$40,000 for not performing one additional service when the money is not there? Now that is the first question. Answer that yes or no. Is there a reason for it or is there not, and consider at the same time that if you say yes, you are going to say, "Well prorate your own subsidies, which are already programmed to receive."

Secondly, why should all of these other hundred and some odd towns who don't get school construction aid now have to pass these two hurdles I spoke about? And I am talking about the Calais's, the Freeport's, the York's and the Falmouth's and every other community who all support this bill for construction aid, but they are taking it and they are taking their chances. They have got to pass the hurdle of the Appropriations table. They have also got to convince someone that the project is worthwhile.

The gentleman from Orono would not have to pass those two hurdles. He would be guaranteed eligibility for whatever amount it is, and I

don't want to argue about that any more. I think I have used figures that are provided by the local people, and I am not about to question them in any way. I think the figures were presented in good faith and I used them in good faith.

Thirdly, is this idea of a single town SAD something which every municipality in the state has an opportunity to apply for? Because if it is, we would not have 76 SAD's right now, we would have 495. And I make that as a real serious challenge, that back in 1957 the implication had been that any town, large or small, could have all the benefits of school construction aid, bonuses and everything else that an SAD applies, could be eligible on a single town basis, we wouldn't have these combinations, we would have 495 little palaces, and they would be within municipal boundary limits. There would be no sharing, and this is something that I feel would be a step backward in the cause of education.

I reiterate questions I have asked and I talk about the bonus, primarily, because it is a small amount to be sure, but why should \$40,000 go to Orono for no additional services? I can point out a little district in Waldo County that has 13 towns and these towns are dirt poor. They could not hold a candle, like Dixmont, to the Town of Orono, yet they got together and they built one high school, in thirteen towns, and they transport — I will bet you that the cost of their transportation to that little school is more than the entire bonus that they receive — yet the Town of Orono is asking for it for no particular service, no particular increased program at all.

Now I have had it. I am not going to belabor this any more, but I am just saying that this bill is a back door entry to a private bill. And I resent the idea that I have misled you. I think you have heard enough, and I would just hope that you would vote whether or not you favor this particular single town type of program. I would just simply ask for a division on the reconsideration.

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

Mr. DYAR: Mr. Speaker and Members of the House: I believe that the gentleman from Dixmont, Mr. Millett, is being very sincere in his presentation this morning, but I would like to point out that back in the early sixties there were 38 towns in the state who had school populations of less than 100. At the present time I believe there are six of these towns left who have not consolidated. In my district I had five such towns — four of them went into a consolidated district and one remained by itself.

The tax level in one town in 1965-66, when this consolidation took place, was \$43,000 as the cost of education. This past year the cost jumped to \$79,000, and this present year the tax rate in this town will increase by ten mills.

In the presentation by the State Department of Education to sell this issue, they told the people in these towns that they would save at least five percent by consolidating. Now we have seen practically a 50 percent jump, so there is a 45 percent margin of error in their computation. Two small towns, one of which wanted to join the consolidation and one didn't join the district, the town that didn't join tuitions their students at a cost of \$9,000 a year. The like town who joined the consolidation had a tax bill last year of \$39,000.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion for reconsideration, and I am sorry I am going to have to speak against my friend from Orono, Mr. Curtis. It seems to me that the Town of Orono can get its construction aid under the provisions of the combined bills, L. D. 999 and 421, under the number of 421 on the Appropriations table. And this is a fair way to deal with this situation. So therefore we are really talking about the additional ten percent for the Town of Orono. I can't see how I could go home to my people in Freeport and say

that I voted an additional ten percent school aid for the Town of Orono.

I do have in my district a town that has a one town district, the Town of Pownal. I think that if you look at all the one town districts you will find that the special situations that apply there will not apply to Orono. Granted, Orono does have some tax exempt property, but also Orono has, if you will, a very high income level that is produced by this tax exempt property. I would dare say that any town in this state would be glad to have a nonpolluting industry like the University in their town. In fact, if they could they would give such an industry tax exemption. So I feel that the people of Orono should take their chances along with the rest of us in getting school construction aid under the provisions of L. D. 421.

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

Mr. BITHER: Mr. Speaker and Members of the House: Being one of the two minority signers of this report, I feel that I should perhaps reiterate a few things that have been said before. Most of the minority signers were freshmen, both Mr. Murray and I, and we are both rather shy and haven't said too much. I want to say right off the first thing that we should, none of us, question the sincerity of our House Chairman of the Education Committee, Mr. Millett. I certainly do not, and I thought we were not debating the philosophy of this bill or the philosophy of SAD's, but we cannot get away with it, and I am not going to go into it at all, but I think he did a great deal.

I still think that a town should have a right, some right anyway, to say something about its own destiny so far as its educational system is concerned. But I very very quickly and briefly want to say that let's not forget that Orono is very definitely an impacted town; you know that, it has been said before. The University of Maine at Orono is both a

blessing and a detriment to the Town of Orono. There is a lot of property that they cannot tax, and that you know too.

I would also like to add just one little thing that hasn't been mentioned, and that is that Orono must maintain—the Town of Orono must maintain a higher class of an educational system because they are a university town, and so many of their children coming from University employees and University professors. Now my figure that I am going to give you is probably wrong, but as I recall it, it is somewhere between 30 and 40 percent of the students going to Orono are children of employees of the University. I support the bill to give Orono a SAD.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the last remark was said that the children in Orono should receive a better education than other communities in the state. It is certainly unwarranted. I don't think any child in the State of Maine should be deprived of a good education, nor should any group of children receive a better education simply because they are the children of a different class of people.

I hope you will sustain the action that we have taken in the past.

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

Mr. LUCAS: Mr. Speaker and Members of the House: Mr. Marsteller and Mrs. Payson worked diligently in developing L. D. 999, which would take care of the 26 communities that did not receive school construction aid. Now the compromise that came out that Mr. Millett spoke of was definitely a change in the philosophy that has been espoused by the Department of Education.

What we are talking about basically would be that we no longer can use districting as a means of enticing various towns to 26, who are now not districted, into joining

a district. We are recognizing the fact that Orono needs extra money and they will receive this through school construction aid. I would say that the compromise that was worked out between 421 and 999 represents a real move in the direction that Mr. Cyr in speaking about Madawaska and Mr. Curtis in regard to Orono really desire. And I would say generally that we still need to study the situation. Where are we going with education in Maine? Are we going to continue forcing towns to go into districts? And I would contend that 421 now indicates that if a town wants to go it alone, they can go it alone on its own without being called a school administrative district. They will receive construction aid.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Bethel, Mrs. Lincoln, that the House reconsider its action of yesterday whereby Bill "An Act to Create a School Administrative District for the Town of Orono," House Paper 804, L. D. 1077, was indefinitely postponed. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Bither, Brawn, Brown, Call, Carrier, Churchill, Clark, Clemente, Conley, Cote, Cummings, Curran, Curtis, T. S., Jr.; Donaghy, Doyle, Drigotas, Dyar, Evans, Fraser, Gagnon, Gill, Hancock, Hewes, Kelleher, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lewin, Lewis, Lincoln, Manchester, Marsh, Meloskey, McKinnon, Mills, Morrell, Murray, Norris, Parks, Pontbri-

and, Rocheleau, Rollins, Santoro, Shute, Simpson, L. E.; Slane, Starbird, Tanguay, Vincent, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Ault, Bernier, Berube, Binnette, Bourgoin, Bragdon, Bunker, Bustin, Carey, Carter, Collins, Cottrell, Crosby, Curtis, A. P.; Dam, Dow, Dudley, Farrington, Faucher, Fecteau, Finemore, Genest, Goodwin, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Immonen, Kelley, K. F.; Keyte, Lawry, Lee, Lessard, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Marstaller, Martin, McCormick, McNally, McTeague, Millett, Mosher, O'Brien, Orestis, Page, Payson, Porter, Pratt, Rand, Ross, Scott, Shaw, Silverman, Simpson, T. R.; Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Trask, Tyndale, Webber, Wheeler, Wight, Williams.

ABSENT — Birt, Boudreau, Cooney, Cyr, Emery, D. F.; Emery, E. M.; Gauthier, Good, Hodgdon, Jalbert, Jutras, Mahany, Sheltra, White, Whitson.

Yes, 60; No, 75; Absent, 15.

The **SPEAKER**: Sixty having voted in the affirmative and seventy-five having voted in the negative, with fifteen being absent, the motion to reconsider does not prevail.

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

Mr. **NORRIS**: Mr. Speaker, I would inquire if the House is in possession of L. D. 984, please?

The **SPEAKER**: The answer is in the affirmative, An Act relating to the Regulation of Private Detectives, Senate Paper 344, L. D. 984, which was passed to be enacted yesterday.

Mr. **NORRIS**: Mr. Speaker, I move that the House reconsider its action whereby this bill was passed to be enacted.

The **SPEAKER**: The gentleman from Brewer, Mr. Norris, moves that the House reconsider its action of yesterday whereby this Bill was passed 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.

70 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

On motion of Mr. Susi of Pittsfield, tabled pending passage to be enacted and later today assigned.

The Speaker appointed the following members to an Interim Committee, pursuant to a Joint Order that was passed on April 9, relative to a study to survey the potential utilization of an International Conference Center on Peaks Island:

Messrs: CLEMENTE of Portland
CURTIS of Orono
Mrs. WHEELER of Portland
Mrs. PAYSON of Falmouth
Messrs. DRIGOTAS of Auburn
SIMPSON of Standish
STILLINGS of Berwick

House Reports of Committees Ought Not to Pass

Mr. Cote from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to Land Surveying by Nonresidents" (H. P. 891) (L. D. 1211).

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

Leave to Withdraw

Mr. Emery from the Committee on Legal Affairs on Resolve to Reimburse Mrs. Lawrence Eastman of Linneus for Well Damage by Highway Maintenance (H. P. 1168) (L. D. 1622) reported Leave to Withdraw.

Mr. Fecteau from same Committee reported same on Resolve to Reimburse Clifford V. Tracy of Skowhegan for Well Damage by Highway Maintenance (H. P. 914) (L. D. 1260).

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed Tabled and Assigned

Mr. Emery from the Committee on Legal Affairs on Bill "An Act Amending Standards for Electrical Installations and Electrical Equipment" (H. P. 1163) (L. D. 1608) reported same in a new draft (H. P. 1334) (L. D. 1748) under title of "An Act relating to

Standards for Electrical Installations and Electrical Equipment for Mobile Homes" and that it "Ought to pass"

Report was read.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentleman of the House: I understand that State Government has two bills dealing with the same area as covered by this bill and that there may possibly be conflict with the provisions of those bills and this one, and I would hope that someone would move to table this for two days until these questions can be resolved.

Whereupon, on motion of Mr. Donaghy of Lubec, tabled pending acceptance of the Report and specially assigned for Thursday, May 20.

Ought to Pass Printed Bills

Mr. Brawn from the Committee on Legal Affairs reported "Ought to pass" on Resolve to Reimburse Claude W. Day of Skowhegan for Truck Damage Due to Highway Maintenance (H. P. 1000) (L. D. 1362)

Mr. Cote from same Committee reported same on Bill "An Act relating to Zoning Appeal Procedure" (H. P. 1165) (L. D. 1619)

Mr. Emery from same Committee reported same on Bill "An Act Amending the Law Relating to Home Rule" (H. P. 814) (L. D. 1087)

Mr. Norris from same Committee reported same on Bill "An Act relating to Home Rule Procedure" (H. P. 968) (L. D. 1328)

Reports were read and accepted, the Bills read twice, Resolve read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Mr. Brawn from the Committee on Legal Affairs on Resolve to Reimburse Ronald E. Bickford of Readfield for Property Damage by Highway Construction (H. P. 892) (L. D. 1212) reported "Ought to pass" as amended by Committee Amendment "A" (H-282) submitted therewith.

Mr. Cote from same Committee on Resolve to Reimburse Clarence Eldridge of Liberty for Loss of Sheep Killed by Dogs (H. P. 943) (L. D. 1302) reported "Ought to pass" as amended by Committee Amendment "A" (H-283) submitted therewith.

Mr. Gauthier from same Committee on Bill "An Act Defining a Trainee Plumber" (H. P. 781) (L. D. 1047) reported "Ought to pass" as amended by Committee Amendment "A" (H-284) submitted therewith.

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

Third Reader Indefinitely Postponed

Bill "An Act relating to Contracts of Teachers with Municipalities" (S. P. 183) (L. D. 535)

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

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: Many of you are probably not familiar enough with this bill to know what this bill is really going to do. This bill came into committee and I believe it came out 9 to 3 "ought not to pass." What this bill really does, it gives a school teacher the right to serve on a council, as a selectman, on a school board. This is truly a conflict of interest under our law. No selectman can do this; no councillor can do this. As you probably know, when I was elected to this House I was told that I must resign as assessor. Why should anyone have a privilege which I do not have?

The law also says that a municipal officer cannot become a school teacher and be a municipal officer because they are paid monies from the state and from the federal government. Now should the teacher be granted this right they must remember one thing, that after

their year is up they must resign as a schoolteacher if they want to serve under this board. Because here are two laws which are conflicting, and I want to know if this schoolteacher — and this is a question that came up with us, if the schoolteacher wants to serve, and forfeit their entire pay while they are out of session, and doing the work that the assessors and councilmen and selectmen are doing. What the teacher intends to do is to pay the substitute \$15 a day, receive their own pay, work in our schools, and for our town and receive their full pay.

The constituents in my town have called me — my telephone was hot last night in regards to this. They said there are a select few that are parasites upon the taxpayer, and I must go along with them. I shall ask at this time for indefinite postponement of this and all its papers.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I have to agree with the gentleman from Oakland, Mr. Brawn. I also asked this question, how can teachers serve in the city council, the town council, and vote on budget appropriations for school departments? As we all know, a member of the legislature cannot serve as a county commissioner and be a member of the legislature at the same time, because of conflicts of interest. And as the gentleman from Oakland mentioned, we already saw where one gentleman had some problems this year as a town assessor, as a conflict of interests.

So therefore I think this is a bad bill and I would support the indefinite postponement of the whole thing.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen: This bill covers a lot of ground and I would like to point out to you people that are familiar with town government that a selectman has nothing to do in effect with the spending of school monies. I have a situation,

all five of my towns have selectmen. We had a very capable man in the school that served as chairman of the budget committee for several years — I believe he has served a total of nine years on it, and then he went on as selectman. Then when this controversy arose it seemed desirable that he resign. Well there is no way as a selectman that he could affect his schoolteachers pay any more than any other voter in town.

Here was a man who was interested in his community, he was willing to put in the extra time — and believe me selectmen's pay is very small. It also brought an opportunity for an educator to bring first hand experience into the schools.

I hope that you will give this bill some real consideration before you kill it because we do need capable trained men in our town government and it is a shame to limit the school teacher so that he cannot help serve in town government. There is not a conflict of interest in any conceivable way between a selectman and a school teacher. When it comes to the city councils they can refrain from voting because, of course, the city councillors have a lot more to do in setting the school budget than the selectmen do.

Please give this bill a chance.

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

Mr. LUCAS: Mr. Speaker and Members of the House: I do hope that you will keep this bill alive and vote against indefinite postponement because what you have before you is a mode of disenfranchising a large segment of our population, namely the teacher, from participating in local government.

Now if a person lived in one town and taught school in another town, fine; he can serve on the town council or the school board. It doesn't interfere. But because a person wants to reside in the town in which he is getting his pay check from, he is completely disenfranchised from running for office as a school board member, which has no monetary return, or as a city councillor. These are

professional people. They have a great deal of input that would be helpful or could be helpful to the towns, and the mention of the fact that this in fact would be a conflict of interests I think is debatable.

Mr. Emery from Auburn mentioned the fact that we could not serve as county commissioners. I inquired into this prior to running for this seat which I now hold and the Attorney General's office said that an advisory opinion said in 1934 and it has never been challenged. It has never been challenged. It has never been properly adjudicated into courts, so I would contend that this is an opinion at this stage of the game. I do hope that it would give the teachers an opportunity to serve on the city council or school board and vote against indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion of indefinite postponement because this wouldn't work good in my area. In the area from which I come we don't have a shortage of qualified people to serve in these positions at the present time. I'm looking at the article L. D. 535 at the Statement of Fact. This Act will permit teachers to serve municipalities as elected officials. Now elected officials means school board and many other positions.

And I think that they are well enough now that they can teach in one town and serve in another. That is all right, but the law already exists the way I want it right now. This bill before us is the one that changes it. It has been like this for many years and we seem to have lived with it, the way it is now, and I am satisfied and I know that the people back home are satisfied and so I don't want to vote for a bill that will change things just for the sake of a change. So I do hope that this bill gets indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I served on the committee in which this bill was heard and there was, at the time of the hearing, some considerable confusion over just exactly what would be allowed and what would be disallowed under this bill.

It was charged at the hearing that there could be a conflict of interest arise if a teacher were allowed to serve in a municipal office. It seems that already this has been refuted because under present law, and upon doing some research, we find that teachers already can serve and in fact do serve in municipal offices. What this bill does is to simply say that when a teacher serves in a municipal office he will not have to forfeit any pay increases that accrue to other teachers and would eventually accrue to him during the term of that office.

I got to wondering about this myself and hearing about these arguments, conflict of interests and this sort of thing, I wrote a letter to the Attorney General and asked for his opinion on it and I got an answer. His answer states in part that with respect to this item "it is noted that the provisions of Title 30, Maine Revised Statutes Annotated, Section 2251 provides that the action of municipal officials is void and inactionable if the municipal official votes on a question in which he has a direct or indirect pecuniary interest. Such action is declared void by reference of the statute." And that statute I have dug up here I want to read to you just to prove a point and it says, this is Section 2251, subsection 1, "where it would be decisive, the vote by any official of a municipality in his official position on any question in which he has a direct or indirect pecuniary interest is void."

So the question about conflict of interests is really a moot question. They cannot vote on any question in which they have a direct or indirect pecuniary interest. So based on that I decided that this bill had merit and that it ought to pass, and that to indefinitely postpone it, it seems to me, would

be asking an unreasonable sacrifice of one group of people that we don't ask of any other group of people in the State of Maine. That is that they will forfeit any future pay increases, a pay increase that they are already not going to have anything to say about anyway under the statutes of the State of Maine. Asking them to forfeit that simply to serve practically free gratis in some of these low-paying municipal offices, I thought that this was unfair. I thought it was discrimination and I think that we ought to vote against that motion to indefinitely postpone.

There is one other thing that I think ought to be pointed out. If the people of the State of Maine don't want teachers sitting in their municipal offices, they can vote them out. This is one great protection that we have in this democracy and I have faith in it. I believe in the people. They can make the proper decision on this matter.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I have always felt really that teachers have not played an active enough role in municipal government and I think that we should do all we could to encourage their participation. Certainly wherever there is a direct conflict, as it would be with any of us, they should disqualify themselves. But I am very much in favor of doing whatever we can to broaden the number of people who could and who are encouraged to participate in government at all levels.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I would be in opposition to the motion to indefinitely postpone this bill, because as it stands now, every town that is in an SAD their teachers can run for selectman, assessor, overseer of the poor, or any of these offices. There is nothing that prohibits a teacher of any town or any municipality that is in an SAD from running for an elective office. The only thing

that this bill does is expand it so that the towns that are not in the SAD, this will give the teachers the same right to run for an elective office.

Now, in the 104th we passed a law where a full-time teacher or a full-time teacher's spouse could not serve on the school board. This was all right, it was all right in one way and in another way it was bad because we amended the law and opened it up that even employees of the district could serve. And I don't go for that part of it.

But this bill here is a good bill and it would open up a lot of knowledge to the towns and it would allow these teachers to serve. It would take away the discrimination and say that one half of the teachers in the State of Maine, because the towns are in an SAD can serve, and the other half, because they are not in an SAD, cannot serve. And I don't see where this would cause any conflict or any trouble with any municipality.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you will support the motion to indefinitely postpone this bill. As I look at the bill it is nothing more than a stamp of approval for a conflict of interest.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I noticed that the City of Portland, for instance, is having a to-do now. The school budget was put in to the council and the council immediately clobbered a slug of money off it, and sent it back to them. I suppose if they could put a couple of teachers on the council down there it wouldn't make much difference what the school board gave them, they could still pass it through. The City of Auburn is the same way. Their council has control over the school budget. The City of Augusta has control over their school budget, and if you do put teachers on the council obviously, you are going to lose that control.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be brief this morning. I would say at the outset that about four years after I got out of school I realized that teachers were human beings just like everybody else. It came as quite a shock, but I guess that they are.

Now if it is the will of the voters in any community across the State today to elect a teacher to a council or onto the board of selectmen, there is nothing in the law that prohibits this. Now there are teachers serving in both capacities right now in the State of Maine; there is nothing in the law that says they cannot serve, there is no conflict of interest. The only conflict comes if the school budget should come in. They, under the law, would have to refrain from voting on it.

Now all this bill does is to give the teachers that are serving on the board of selectmen or on the council, if there is an across-the-board pay raise they would be allowed to participate in this pay raise. There are some teachers that are serving, that have served for many years on the board of selectmen, who have not received a pay raise because they couldn't under the law. All this does is to allow them to receive it. There is no conflict of interest. They can't vote on the school budget. They can't do anything of that sort. So the people are completely protected and if they are there, they are there at the will of the people of that community. So I would hope that you would go against Mr. Brawn's motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the last speaker, in the last session we just passed a bill to keep the school teachers and their spouses off from our school boards. We are working right back into the same position again. I believe anyone who has one position in the town, whether school teacher, first selectman, or town clerk, one position is enough.

And I would go along with the gentleman from Oakland, Mr. Brawn, for indedinite postponement of this bill.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: Several months ago I was a member of the school committee in Sanford. I have received a letter from my town clerk informing me that I could no more be a member of the town meeting, member of the Town of Sanford on voting on the articles because I was on the school committee.

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

Mr. MILLETT: Mr. Speaker and Members of the House: I would like to respond to the gentleman from Bridgewater, Mr. Finemore. I felt when Mr. Norris finished that he had explained the problem as I understand it. And I would also concur with the gentleman from Bridgewater that I would not want myself to see any school teacher serve on a school board. I think that this is untenable to think that a person would be involved in establishing policy and also have a part in implementing it. I believe that the legislation that was referred to in the last session does prevent this. We are not doing anything here today to reopen that ball game. By all means I personally would not want to see this done.

I think what the gentleman from Brewer, Mr. Norris has said is that simply right now a person serving on a board of selectmen or a city council cannot, under our present conflict of interest law, cannot vote on a school budget. Now this to me makes sense. I don't think that he should either. But we're not changing that. I think that we have kind of lost track of the fact that the bill does not really make changes in existing law. It still says that a teacher serving on a city council or board of selectmen could not by any stretch of the imagination vote on a school budget.

It also would retain the fact that a teacher could not serve on a school board, which in my opinion would be ridiculous. I think the bill, I know it is a controversial one and I don't stand here trying to promote it. I do think teachers can contribute but I don't think they ought to be considered separately and legislated into a position of responsibility.

But I think that if you really understand the bill, it doesn't do that. All it says is that if a teacher is serving on a board of selectmen or a city council and raises happen to be adopted by the school board, while he is in office, he is not automatically bound to refuse those raises. It doesn't say that he can say yes or no. It just says that he now will no longer have to turn down a raise which a different body, an entirely different body, has negotiated in his behalf. And it still retains the fact that he will not be able to say yes or no on a school budget in which he obviously does have a direct interest.

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

Mr. BRAUN: Mr. Speaker and Members of the House: As you probably know, my wife does serve on the school board and I have attended these meetings, and these are the things I hear. The teachers say, "We are overworked. We must have more money for extra activities. We would like to get in a position where we could judge our pay." This is what they are interested in. "We don't have the time to do the work we have got." Let me ask these people this, if they don't have enough time to do the work they have got, how are they going to do this extra work?

When I look at this here and I hear that the man tells me this is not a monetary return, there is a monetary return. And I would suggest, should this fail, that the teacher would guarantee to forfeit all their pay so that they would be on the same basis as the rest of us. Let them resign their jobs if they want to serve to educate

the community in the line of government and let someone else have it, because there are ten teachers standing idle today for every job we have in the State of Maine. And as you know, the biggest cost we have got today in our school system — 68 percent out of my town goes to schools, and the greatest proportion of that is the teachers' pay.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker and Members of the House: I just want to clarify once again what this bill does, because every time we get somebody standing up here it seems to get a little bit confused, even in my mind. All that this bill states is that teachers will not be prohibited from taking a pay increase as teachers when they are serving as a municipal officer. And if there is any conflict at all, the statutes clearly state now that if there is a conflict of interest arising within their office with regard to their pay, they cannot vote on it or any other matter in which they have a direct or indirect pecuniary interest. That is all the bill states.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: If this were to come about, that members of the teaching profession would be qualified to serve on the council, let's say in a community the size of Auburn, five council members, it isn't inconceivable that perhaps three members would be members of that council and necessarily that there were things involved such as their own salaries are concerned. It perhaps wouldn't be very good representation for the City of Auburn to have people that would have to disqualify themselves from voting on such matters. In other words, say if three didn't vote at all and two voted for, to have two people set the policy for the community, the majority. I

am heartily against this piece of legislation.

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

Mr. CALL: Mr. Speaker and Members of the House: I am definitely for the indefinite postponement of this measure. I agree wholeheartedly with the gentleman from Auburn, Mr. Drigotas, that nobody should put himself in the position of having the question of disqualification brought up. I have seen instances in city government where people were asked to disqualify themselves. One person in particular, in a hot issue before the City Council, he refused to do so. The city solicitor was asked to rule on the spot, and he as much as said there is no such thing as disqualification unless the person challenged wants to disqualify himself. He says if a person is elected he is entitled to the duties of that office and to serve the people and to make whatever decisions arise, and the man did not disqualify himself and I know that that is so.

In the City of Lewiston we feel that one office is enough. And I feel that anywhere in the state there certainly can be eligible people enough found without somebody having to have a couple of elective offices, or if they serve as a school teacher, to also have an elective office, because if they are challenged they are going to find that the ruling is that if they don't want to disqualify themselves they don't have to.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have seen this bill here in other sessions. All this discussion we have had here this morning is the same pro and con. Those bills were all killed. I hope we give this one decent burial.

The SPEAKER: The pending question is on the motion of the gentleman from Oklahoma, Mr. Brawn, that L. D. 535 be indefinitely postponed. The Chair will order

a vote. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

73 voted in the affirmative and 68 voted in the negative.

Thereupon, Mr. Dam of Skowhegan 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 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 the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Oklahoma, Mr. Brawn, that this Bill "An Act relating to Contracts of Teachers with Municipalities," Senate Paper 183, L. D. 535, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Binnette, Bourgoin, Bragdon, Brawn, Call, Carey, Carrier, Carter, Conley, Cote, Crosby, Cyr, Donaghy, Dow, Drigotas, Dudley, Dyar, Emery, E. M.; Evans, Fecteau, Finemore, Gauthier, Genest, Hall, Hanson, Hewes, Immonen, Jutras, Kelleher, Kelley, K. F.; Keyte, Lebel, Lee, Lewin, Lincoln, Maddox, Mahany, Manchester, Marsh, Marsteller, McCormick, McKinnon, McCall, Mills, Mosher, Page, Parks, Payson, Pratt, Rand, Rocheleau, Rollins, Shaw, Silverman, Smith, E. H.; Starbird, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson, Wight, Williams, Wood, M. E.

NAY — Albert, Bartlett, Berube, Bither, Boudreau, Brown, Bunker, Bustin, Churchill, Clark, Clemente, Collins, Conroy, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Doyle, Farrington, Faucher, Fraser, Gagnon, Gill, Good, Goodwin, Hancock, Hardy,

Haskell, Hawkens, Hayes, Henley, Herrick, Kelley, P. S.; Kelley, R. P.; Lawry, Lessard, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Martin, McCloskey, McTeague, Millett, Morrell, Murray, Norris, Orestis, Pontbriand, Porter, Ross, Santoro, Scott, Shute, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Stillings, Trask, Tynedale, White, Wood, M. W.; Woodbury.

ABSENT — Birt, Emery, D. F.; Hodgdon, Jalbert, Kilroy, O'Brien, Sheltra, Susi.

Yes, 73; No, 69; Absent, 8.

The SPEAKER: Seventy-three having voted in the affirmative and sixty-nine having voted in the negative, with eight being absent, the motion does prevail in non-concurrence.

Sent up for concurrence.

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

Mr. DONAGHY: Mr. Speaker, I move for reconsideration and I hope the House will vote against me.

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

Mr. LUCAS: Mr. Speaker, may this lie on the table until tomorrow. (Cries of "No")

The SPEAKER: The gentleman from Portland, Mr. Lucas moves that the motion to reconsider be tabled until tomorrow. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 95 having vote in the negative, the motion to table did not prevail.

The SPEAKER: The pending question is reconsideration. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Passed to Be Engrossed

Bill "An Act relating to Appropriation and Allocations to the Governor's Committee on Employment of the Handicapped" (S. P. 214) (L. D. 660)

Bill "An Act relating to Disability Retirement and Retirement Al-

lowances under State Retirement System" (S. P. 243) (L. D. 704)

Bill "An Act relating to Powers of Liquor Inspectors Concerning Disorderly Conduct" (S. P. 378) (L. D. 1114)

Bill "An Act to Provide Hospital Administrators under the Department of Mental Health and Corrections" (S. P. 578) (L. D. 1726)

Bill "An Act relating to Authority of Trustees" (S. P. 579) (L. D. 1727)

Bill "An Act relating to Imposition of Sentence to the State Prison" (S. P. 580) (L. D. 1728)

Bill "An Act to Amend the Arborist Law" (S. P. 581) (L. D. 1729)

Bill "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies, Furnishings, Studies, Histories and Amendments for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 582) (L. D. 1730)

Bill "An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers" (H. P. 254) (L. D. 336)

Bill "An Act to Make Allocations from Bond Issue for Construction, Planning and Equipment of Pollution Abatement Facilities" (H. P. 287) (L. D. 387)

Bill "An Act to Revise Laws Relating to Aviation" (H. P. 620) (L. D. 802)

Bill "An Act relating to the Operation of Motor Vehicles" (H. P. 828) (L. D. 1119)

Bill "An Act relating to Voluntary Surgery at Public Expense for Qualifying Parents" (H. P. 928) (L. D. 1282)

Bill "An Act relating to Fees for Plates for Dealers in Motorcycles and Boat Trailers" (H. P. 1005) (L. D. 1367)

Bill "An Act relating to Vacation and Sick Leave of Certain Employees of Highway Department" (H. P. 1063) (L. D. 1454)

Bill "An Act Defining Home-made Farm Tractors under the Motor Vehicle Law" (H. P. 1106) (L. D. 1512)

Bill "An Act relating to Testing of Private Water Supplies by Department of Health and Welfare" (H. P. 1264) (L. D. 1668)

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 Providing for a Declaration of Policy Concerning the State's Environment" (H. P. 1301) (L. D. 1706)

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would offer House Amendment "A" under filing number H-288 and move for its adoption and would speak to my motion.

House Amendment "A" (H-288) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, we started debating this particular bill two weeks ago, and at that time I voted with the majority against the original bill because I felt that there were some legitimate problems that ought to be taken care of before we start putting pure air and clean water in our Constitution. I was concerned at that time that it was possible that the question of pure water could never be achieved because it is such a nebulous thing. At that point, of course, it went to the other body and it now is before us in the third reading.

Now let me very briefly tell you what this constitutional amendment would do and why I think we ought to be supporting it. The amended bill, or I should say the amended bill with the amendment, as I have put on, would do basically three things. First of all, it would make clear that the people of Maine want their interests in their environment weighed against the claim of some industries that they have a property right to use their land, air and water which pass through in any way they want to, regardless of the effects on the general public. This argument is

similar to the claim of industry back in the early 1900 period, 1900 to 1920, that laws outlawing child labor laws infringe children's freedom to make contracts.

Second, the language is more in keeping with constitutional concepts than the words clean air and pure water, which we discussed last week.

What we think this particular amendment will do, is that the courts and the legislature will over time give a more more precise definition and content to the phrase "enjoying environmental resources," just as much as they had such things dealing with due process of law, freedom of the press, equal protection of the laws, and everything for example such as having and maintaining happiness, obtaining safety and happiness. And finally, it removes what I thought was a real problem, the question of pure water.

Now if you happen to have a Constitution with you or your House Register and take a look at the Maine Constitution, the three words that would be added, "enjoying environmental resources," would go in Article I of the Constitution, Section 1, in the Declaration of Rights. As it now reads, Section 1 says the following: "All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness."

We would add after the question of enjoying and defending life and liberty, the phrase "enjoying environmental resources." We are talking about adding three words to the Maine Constitution. Some people are concerned that this is not specific enough, that it does not say that we have to have pure water or clean air. To those people I would argue that the courts and the legislature can implement, in view of this constitutional phrase that we would add, the same things that they have done in other areas, this is equal protection of the laws, defending

life and liberty, pursuing and obtaining safety and happiness.

The definition will have to come over time by the courts and by the legislature. I think that in many instances industry's position is not going to change. Even if we didn't do anything, they would still be saying that we did too much.

I would hope therefore that you would vote for the amendment. And Mr. Speaker, when the vote is taken I request that it be taken by the yeas and nays.

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

Mr. HARDY: Mr. Speaker, I rise to make a parliamentary inquiry of the Chair.

The SPEAKER: The gentleman may pose his inquiry.

Mr. HARDY: This item was first introduced as a proposed constitutional amendment, 1020. The Committee on State Government reported Report "A", L. D. 1705 as a new draft of L. D. 1020, which was still a constitutional amendment. The committee in its wisdom also reported a Report "B", L. D. 1706 a new draft of 1020, proposing a statutory statement of policy.

This House very recently indefinitely postponed both bill and reports, and subsequently the other body accepted Report "B", the statutory enactment under the filing of 1706. Recently we receded and concurred.

My question is, Mr. Speaker, can this amendment, under filing number 288, be adopted by this House in view of our prior action since it put it right back to the proposed constitutional amendment? I inquired as to whether such action confronts Joint Rule 21, which states, "When any measure shall be finally rejected, it shall not be revived except by reconsideration; and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a vote of two-

thirds of both houses." I leave the question.

The SPEAKER: The Chair takes notice of the gentleman's question, and the Chair would point out that this particular rule says "final rejection." But the Chair would also call the attention to the House, House Rule 32, "No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." The Chair would point out that this changes a bill to a constitutional resolve.

Thereupon, on motion of Mr. Susi of Pittsfield, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

Passed to Be Engrossed (Cont'd.)

Bill "An Act relating to Licenses and Fees under the Dog Laws" (H. P. 1321) (L. D. 1733)

Bill "An Act relating to Closed Season and Minimum Size of Coho Salmon" (H. P. 1328) (L. D. 1742)

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 Later in the Day

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians (H. P. 402) (L. D. 515)

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

(On motion of Mr. Marstaller of Freeport, tabled pending passage to be engrossed and later today assigned.)

Amended Bills

Bill "An Act Adopting Air Quality Regions" (S. P. 409) (L. D. 1224)

Bill "An Act relating to Enforcement Options under the Environmental Laws" (H. P. 821) (L. D. 1095)

Bill "An Act to Repeal Obsolete Laws and Correct Errors and Inconsistencies in the Motor Vehicle Laws" (H. P. 1064) (L. D. 1471)

Bill "An Act relating to Hunting and Fishing Licenses and Fees Therefor" (H. P. 1148) (L. D. 1600)

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

Bill "An Act relating to Notice of Suspension of Motor Vehicle Driving Privileges" (S. P. 396) (L. D. 1174)

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

Passed to Be Enacted

An Act relating to Retirement of Penal and Correctional Institution Personnel (S. P. 352) (L. D. 1018)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate. (Later Reconsidered)

Enactor Indefinitely Postponed

An Act relating to Voters Resigning or Removed from the Voting List (S. P. 561) (L. D. 1701)

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

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the Minority Report of L. D. 1701, I will state my reasons for doing so. On page one, under number four, it is possible for someone to fail to vote in two consecutive elections. There may be some reason such as being out of town, or being ill all of a sudden; so therefore I think that would be quite a hardship for them.

Then on the same page, under Section 3, a registrar can believe what he wants to; nobody can tell him to believe their way. He has his own style, and he can believe as he wants to.

Now on page two again, following that Section 3, a notice can be sent by regular mail. I contend

that no one has any proof that such a notice was mailed. Neither does one know whether such a notice has been received or has ever reached its destination. I still maintain that according to our laws that we have at present on the books that these notices should be sent by registered mail with a return receipt. And then there will be no reason to doubt the registrar or any of the officials.

I therefore move that this measure be indefinitely postponed.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, now moves that L. D. 1701 be indefinitely postponed.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Unfortunately, I guess that the gentleman from Old Town, Mr. Binnette, doesn't trust anyone. Some of our voting lists throughout the State of Maine are in a real mess. Now any of you who have sent mailings from the latest list that you were able to obtain know that you always get back a large number of these mailings marked "address unknown."

And there are also certain people for reasons of their own, don't want to vote. They just do not want to vote. And so it is silly to clutter up our rolls with their names. Now this says that if you fail to vote in two consecutive general elections it will be presumed that you are resigned from the list. And the registrar will send a notice to you asking if you want to be dropped from the list.

There will be a self-addressed card in there to mail back to the registrar. And if you want to remain on the list, and you just mark that you want to remain on, you will remain on. And it says that you will not be dropped if you do not want to be dropped, and if you want to get back on, all you have to do is come down and see the registrar. It is just a method of cleaning up our voting lists which are very inaccurate at the present time.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The bill has a number of portions, and I believe there is an amendment on it about in essence anyone who sets up an absentee ballot by a person who isn't qualified to vote absentee, that part of it I think I could certainly agree with.

But what I view as the basic portion of this bill is the part that says, if you don't vote for two general elections you are automatically removed from the voters list, as I understand it, you are subject to removal from the voters list. I think this is bad, and I think it is bad for this reason. When you strike a balance between a few extra nickels in postage it may cost aspirants for office to mail to people who are no longer in fact residents of the town, or perhaps as Mr. Ross suggests, who are no longer interested in voting, with the fact that the states which do not have permanent registration on the average have a significantly lower turnout in the vote — they have a lower percentage of their people that go to the polls than we do in Maine, I think you see the wisdom of our system of permanent registration.

What this bill would really do would be, in my view at least, to abolish our system of permanent registration, which I believe we have had since time immemorial, and substitute for it the system they have in some other states which provides that if you don't vote within such a period of time, under this bill two general elections, you are automatically taken off the rolls.

I think we should be working not to decrease the rolls, but rather doing everything possible to insure that as many people as possible vote. And I think the effect of this bill, if you would study the figures from Maine as compared to other states, for example I happen to know that Ohio has this system, you would find that they have a turnout roughly ten percent lower than ours.

I suggest that the practical effect therefore of this bill would be to reduce those who actually participate in our elections by about ten percent. I don't think this is

a matter that is good for Democrats or good for Republicans; I think it is good for the State of Maine to have as many people vote as possible. I think one effect of this bill, although I respect and have admiration for the motives of the sponsor — excuse me, Mr. Speaker, not the sponsor, but the gentleman from Bath, Mr. Ross, who just espoused the bill on the floor. But I think the practical effect of this would be to cut down the number of people that vote, and that is going in exactly the wrong direction.

Mr. Speaker, if the motion has not been made I would move indefinite postponement and ask for a roll call.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that L. D. 1701 be indefinitely postponed.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In reference to some of the remarks made by the gentleman from Brunswick, Mr. McTeague, if a person doesn't vote in two elections they are automatically removed from the list. The registrar sends them a notice asking them if they want to be removed from the list. In other words, we will be having accurate lists. We don't want to cut down the number of votes either in the Democratic party or the Republican party, either one. And we are going to work and register and enroll the 18-year olds just as the Democrats are.

But I would like to see the voting lists brought up to date. Any of you who have made a statewide mailing know how inaccurate these lists are. I cannot see why you would oppose a bill that I think is just sensible and a nonpartisan bill.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The method of notification is by regular mail. As Mr. Binnette points out, this can lead to the possibility, due to a change not in town of

residence, but a change in street address, that delivery is not effected. The clerk has no way of knowing this. She sends out a notice by regular mail, she gets back no response, and the fellow is taken off the voting list.

So I would stand by the statement that the practical effect of the bill would be to result in disenfranchising people, which is going in the wrong direction. Although we deal with two general elections, you have two general elections in a two, not a four-year period. So it is possible that a fellow could be out of state, perhaps in school, perhaps in the service, and not be able to vote. He might have illness in the family. Any one of many valid reasons for not being able to vote.

I sympathize with Mr. Ross regarding the voting lists; I know they are not perfect. It is a job not only for the clerks, but for the various political committees in the different towns to keep them up to date. Where I disagree, I think, with Mr. Ross is this. I place a much higher value on having a higher percentage of vote turnout as compared to the convenience of ourselves and other candidates for office when we want to make a mailing. I think anything that reduces the vote turnout, even by one percent, is a tragedy, and again is going in entirely the wrong direction.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker and Members of the House: All this bill does, if you register as a friend of an opponent, it could defeat you according to this bill. It gives too much power to the registrar. So I hope you will go along with Mr. Binnette in killing this bill. It is a bad bill.

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

Mr. MARSTALLER: Mr. Speaker, I would like to pose a question through the Chair to anyone who may answer. If one of the provisions in this bill, if it passed, and a person through sickness or some other happening didn't receive this notice and didn't respond, but did

wish to continue to vote and went to vote on the next election, could he be re-enrolled at that time and vote?

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, poses a question through the Chair to any member who may answer if they choose.

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

Mr. ROSS: Mr. Speaker and Members of the House: It is my understanding that if his name was removed and he wanted to vote, and he went to the voting place and his name was not on the list, they would make a call to the registrar or the board of registration and he would be allowed to vote on that day.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: In answer to the last remark of the gentleman from Bath, Mr. Ross, I would disagree with him very much because today on the ballot when you come in to vote, if you have been previously registered you have to register three or four days prior to the election. You can't register and vote the same day. But if you are a new register, you are registering the first time, you can.

I would also like to add, I would hate to be a ballot clerk and have the people come in and do this, and the trouble that the ballot clerk would get into. Also, there really is no need of these voting lists being in this shape because in my small town, of course it is a very small town, but it can be done in a large one as well because they have more people present to do it, after each general election we usually revise the voting list. We take off the ones who have moved from the locality and the ones who have passed away. Therefore, we have a most accurate — it wouldn't be one hundred percent, but it would be a very accurate voting list.

I hope you will go along with the indefinite postponement of this bill.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: As I remember the election laws, you cannot get registered for two business days before the election date.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I think you are not aware of the fact that a lot of people could be taken off of this list. But by the same token, after every election the registrar would have quite a job to go through each ward and find out if so and so has voted and have to make a record of it. He would have to do that twice. I think you are throwing an undue burden on the board of registration, especially in the cities.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I only wanted to make a brief comment that I think that this bill would accomplish something, which I am sure we are all in favor of. I think this would definitely forestall the possibility of anyone who had been dead over two years voting on an absentee ballot. It is very difficult to do this thing in the small communities, and perhaps I feel more that this is something that should be accomplished, but I fear that it may be possible to do it in some communities.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mr. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question about perhaps being able to register by phone if you were taken off, in the last general election my mother, who is Kathleen Watson, was taken off the voting list

from Ward 4 when I moved to Ward 1. Now this was a mistake of the board of registration, but a phone call was not enough. She had to make a mad dash downtown and reregister. And I was responsible for the appointment of the chairman of the board. So influence did not even help in this case. So I would fear that you might have some problem being reregistered on that day.

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

Mrs. BROWN: Mr. Speaker and Members of the House: I have been trying to understand why if the letter is mailed to you with a return address, why it wouldn't come back to the registrar and he would know that this hadn't been received, and therefore he would have no right to take your name off.

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

Mr. VINCENT: Mr. Speaker and Members of the House: As a signer of the Minority Report on this, I would remind the people that on mailage to these people to find out if they have voted in the last couple of elections would cost eight cents per letter. And in the area of Portland where the number of people that can miss any given election, it could run as high as \$400. One good way of checking would be to check the poll tax. Every male in the state over 21 years of age has to pay a poll tax. The address would coincide there and they could check it against the voter registration list.

Also if the voter registration lists were open to the public as to who did and didn't vote, I am pretty sure that both parties would take care of the problem by trying to get these people out voting the next election.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll

call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that An Act relating to Voters Resigning or Removed from the Voting List, Senate Paper 561, L. D. 1701, be indefinitely postponed in non-concurrence. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Bourgoin, Brawn, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Farrington, Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, Hancock, Hardy, Hewes, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Mastaller, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Pontbriand, Rand, Rocheleau, Santoro, Shaw, Shute, Slane, Smith, D. M.; Smith, E. H.; Starbird, Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, Whitson.

NAY — Ault, Bailey Baker, Barnes, Bartlett, Berry, G. W.; Bither, Boudreau, Bragdon, Brown, Bunker, Churchill, Clark, Collins, Crosby, Curtis, T. S., Jr.; Dyar, Emery, E. M.; Evans, Gagnon, Gill, Hall, Hanson, Haskell, Hawkins, Hayes, Henley, Herrick, Immonen, Kelley, K. F.; Kelley, R. P.; Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsh, McCormick, McNally, Millet, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rollins, Ross, Scott, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Birt, Emery, D. F.; Hodgdon, Jalbert, Sheltra.

Yes, 81; No, 64; Absent, 5.

The SPEAKER; Eighty-one having voted in the affirmative and sixty-four having voted in the negative, with five being absent, the motion does prevail.

Sent up for concurrence.

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

Mr. BINNETTE: Mr. Speaker, I now move we reconsider our action and I hope you will all vote no.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves the House reconsider its action whereby this Bill was indefinitely postponed in non-concurrence. All those in favor of reconsideration will say aye: those opposed will say no.

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

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

Mr. GILL: Mr. Speaker, if I am in order I would now move reconsideration on the first enacted item. An Act relating to Retirement of Penal and Correctional Institution Personnel, and I would like to speak to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Gill, moves the reconsideration of An Act relating to Retirement of Penal and Correctional Institution Personnel, Senate Paper 352, L. D. 1018, which was passed to be enacted.

The gentleman may speak to his reconsideration motion.

Mr. GILL: Mr. Speaker and Members of the House: I am a little bit amazed this morning with the speed that we are going over certain parts of this calendar, and I am pleased to see it. But I thought this would be coming up about 12:15 and I left the hall. I would like just to bring this to your attention. This would permit employees of our penal and correctional institutions to retire at one half pay with 20 years of ser-

vice. Except for the price tag of \$170,000, I don't see an awful lot of objection to this.

However, in the Senate they did offer an amendment which I think is of a strange nature. It simply says, "This paragraph shall not apply to any such employees of the Boys' Training Center." And I would like for someone on the committee or someone who has got some knowledge of this amendment, why they feel this legislation is all right for the Stevens Training Center, for Skowhegan, for the Reformatory and for the State Prison? However, they do not want it to apply to the Boys' Training Center, which as you may realize is located in South Portland.

So therefore I would hope that you would support the reconsideration motion, at which time I will move that this document and all of its papers be indefinitely postponed. And I realize I could move, under suspension of the rules, we step backwards and take this amendment off. But I would like to see this go back down the hall in a manner in which they have got to come to us and explain to us why they want to exempt one particular institution. And I think it would speed up the legislative process.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker and Members of the House: This bill came out of committee eight to five "ought to pass". I happened to be one of the "ought not to pass" signers, so I could care less what he is going to do. However, it was for twenty years but they would pay 7½ percent the same as your state troopers and the others that are on the twenty-year.

The reason the five of us voted no on this bill was because it had such a big price tag out of the General Fund and we just felt it was useless for it to set on the Appropriations table and it was a waste of time and money. So I personally would go along with this reconsideration in order to indefinitely postpone the bill. But

there were eight others on the committee who voted for it.

The SPEAKER: The pending question is reconsideration. 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. 126 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question is enactment.

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

Mr. GILL: Mr. Speaker, I would move that this document and all its accompanying amendments be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Gill, now moves that An Act relating to Retirement of Penal and Correctional Institution Personnel, Senate Paper 352, L. D. 1018, be indefinitely postponed in non-concurrence. All in favor say aye; those opposed say no.

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

Sent up for concurrence.

Passed to Be Enacted

An Act relating to Annual Fee for Town Forest Fire Wardens (H. P. 178) (L. D. 236)

An Act Reclassifying the Waters of Lake Auburn and Little Wilson Pond, Androscoggin County (H. P. 606) (L. D. 808)

An Act relating to Permits by Sheriffs to Tow Unregistered Motor Vehicles (H. P. 830) (L. D. 1121)

An Act Repealing the Prohibition Against Public Dancing on Sunday (H. P. 855) (L. D. 1180)

An Act to Clarify the Law Regulating the Alteration of Coastal Wetlands (H. P. 944) (L. D. 1303)

Finally Passed

Resolve Providing Moneys for Cerebral Palsy Centers (S. P. 188) (L. D. 549)

Resolve Providing Funds for Improvement of West Quoddy Head State Park Access Road (H. P. 410) (L. D. 537)

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

be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (10) "Ought not to pass" — Minority (3) "Ought to pass" — Committee on Public Utilities on Bill "An Act relating to Complaints Against Public Utilities" (H. P. 1175) (L. D. 1633)

Tabled — May 14, by Mr. McCloskey of Bangor.

Pending — Motion of Mr. Williams of Hodgdon to accept Majority Report.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Williams of Hodgdon to accept the Majority Report and tomorrow assigned.

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

An Act Increasing Minimum Wages (S. P. 16) (L. D. 44)

Tabled—May 14, by Mr. Scott of Wilton.

Pending—Passage to be enacted.

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

Mr. ROSS: Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration and I would wish to speak to this.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the rules be suspended for the purpose of reconsideration. Is there objection? The Chair hears none, the rules are suspended.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I did not have much luck with my election laws situation, which doesn't particularly hurt my feelings; perhaps I will do a little better with this.

Let's briefly review the minimum wage situation as it has faced this legislature. The original bill was for \$2.00. However, we here in the House accepted Senate Amendments "A" and "C" whereby we increased the minimum wage from \$1.60 to \$1.80, with a stipulation that we would go to \$2.00 whenever

the federal government did. Now since we had no provisions in there for any amounts of money between \$1.80 and \$2.00, the gentleman from Brunswick, Mr. McTeague, questioned the constitutionality of this. So a lawyer from the Attorney General's staff drafted House Amendment "A" under filing 273. This satisfied both Mr. McTeague and me. But it started a real hassle within the legal profession. Another Deputy Attorney General said it was still unconstitutional.

I have dealt with lawyers all my life. I find them bright, intelligent, quick-witted gentlemen. Even though my own father was a member of the bar, I find some of them to be very strange birds indeed. They are so used to arguing that they seldom can even agree among themselves. However, I did not present House Amendment "A" and I sent it back to another member of the Attorney General's staff, and they were supposed to have it ready for me yesterday, but they didn't. I guess they were still arguing among themselves.

However, this morning I went to Mr. Erwin, the Attorney General himself, and there was another amendment that had a very little change from the original. The only difference in this is, the first amendment said we would go above \$1.80 whenever the federal government did, and this just adds, "or the effective date of this act, whichever comes later." I certainly think this seems picayune, but that seems consistent for them. However, Mr. Erwin himself has approved this, and in short, it would increase our minimum wage to \$1.80 and other increases as approved by the Congress, but in no case more than \$2.00.

Now for the parliamentary procedure. Yesterday the Speaker caught me with my rules down; perhaps I can do better today. I move that the rules be suspended for the purpose of reconsideration.

The SPEAKER: The Chair would advise the gentleman that the rules have already been suspended for the purpose of reconsideration.

Mr. ROSS: I now move that we reconsider our action whereby this bill was passed to be engrossed.

The SPEAKER: The Chair understands that the gentleman from Bath, Mr. Ross, moves that the House reconsider its action whereby it receded and concurred.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: I think that perhaps we might be making an error in receding. The bill as it stands now, the posture that it is in, as I understand it, there was a question as to the constitutionality of the amendment that was put on in the Senate. I think this was referred to the Attorney General and my understanding is that his ruling is that the amendment that was put on in the Senate is constitutional.

Now if we do pursue the course that Mr. Ross has opened up, we could make this bill subject to other amendments. And at this stage, as I understand it, it will require a two-thirds vote to pursue the course that Mr. Ross is suggesting.

Obviously I have been opposed to this bill right along. I have been opposed to it because I think it is bad economics, I think it has bad social effects and I think that it will have a real inhibiting effect on efforts of the state to advance industrial development. However, I do also recognize that occasionally a compromise is necessary. I think we have achieved at this juncture the best compromise that we are going to come out with. For this reason I wouldn't oppose Mr. Ross's motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The amendment which I understand that Mr. Ross intends to offer, assuming that the House goes along with the reconsideration, will, as Mr. Ross has stated, simply tie us penny for penny to any increases in the federal minimum wage, beginning at \$1.80 and with a cutoff at \$2.00. I think this is a responsible and yet progressive step. And I think frankly, from my conversations with individual members, it reflects a very substantial sentiment in this House.

I think, on the other hand, if the House does not choose to reconsider this morning, we are faced with being in a rather unusual position, that we say to the federal government what we say to our own people. "Yes, we will go along with the federal government when they go to \$2.00, but if the federal go to \$1.90 we won't go along with that; we will stay at \$1.80." That doesn't strike me as very good sense.

I hope therefore, Mr. Speaker, that those members who are in favor of being progressive and yet responsible on this legislation will go along with Mr. Ross's motion for reconsideration.

The SPEAKER: The Chair would advise the House that the endorsement on the bill shows that on May 7 a reconsideration of whereby we receded and concurred failed. Therefore this matter will either fail of enactment and go to the Senate or be enacted.

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

Mr. MARTIN: Mr. Speaker, may I approach the rostrum?

Whereupon, Mr. Martin of Eagle Lake and Mr. Susi of Pittsfield were granted permission to approach the rostrum.

(Conference at rostrum)

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: For one fleeting moment I understood what we were going to attempt here, and I am not sure but what it has left me. But as I can remember it now, if we should fail to enact this at this time, it would go back to the Senate, at which time they would have the opportunity to offer and adopt, if it is their desire, the amendment which is before us now, sponsored by the gentleman from Bath, Mr. Ross. If it were adopted over there then it would come to us in non-concurrence, at which time we could recede and concur and we would have accomplished what we might have accomplished here if it weren't for our reconsideration rule.

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

Mr. ROSS: Mr. Speaker, I would just like to pose a brief question to our Floor Leader. Did you say if we failed to enact it here it will go there in non-concurrence?

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, and the Chair recognizes that the question has been satisfactorily answered.

The pending question is passage to be enacted. The Chair will order a vote. All in favor of this matter being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken, 14 having voted in the affirmative and 121 having voted in the negative, the motion did not prevail.

Sent to the Senate.

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

HOUSE REPORT — "Ought to pass in New Draft"—Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for the Constructions of a General Activities Building for Female Offenders on Property at Stevens School" (H. P. 869) (L. D. 1190)—New Draft (H. P. 1327) (L. D. 1741) under same title.

Tabled—May 17, by Mr. Dam of Skowhegan.

Pending—Acceptance.

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

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1741 has been reported out by the Committee on Appropriations and Financial Affairs. It involves construction of buildings in Hallowell which would take care of those people who are now housed in the Women's Correctional Center in Skowhegan. It also involves acquisition of land. The total price tag is three quarters of a million dollars.

It is the desire of the Committee on Health and Institutional Serv-

ices that it have an opportunity to go up this afternoon to look over the Skowhegan program and perhaps be in a position to report back to the House in a day or two. And we therefore would like to have someone table this bill for two legislative days please.

Thereupon, on motion of Mr. Bragdon of Perham, retabled pending acceptance of the Report and specially assigned for Thursday, May 20.

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

AN ACT relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities (S. P. 238) (L. D. 754)

Tabled—May 17, by Mr. Carey of Waterville.

Pending — Passage to be enacted.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All in favor of this being enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken, 119 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

The Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

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

AN ACT to Provide an Automatic Pay Increase to Classified State Employees Who Pass the Certified Professional Secretary Examination (H. P. 973) (L. D. 1334)

Tabled—May 17, by Mr. Susi of Pittsfield.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to thank the gentleman from Pittsfield, Mr. Susi, for bailing me out yesterday when 101 votes were hard to come

by. I think perhaps a little word of explanation about this bill might be in order.

L. D. 1334 provides a one-step pay increase to classified state employees who pass the certified professional secretary examination. The CPS exam is a two day, twelve hour, six part examination on human relations, business law, business administration, economics communication and office procedures. Only seven percent of those taking the test pass all six parts on the first try.

At present there are only four CPS's in Maine and none in state government. It is possible that two or possibly three of the state employees who took the exam two weeks ago may qualify. The emergency preamble was put on as a committee amendment in ensure that they too would receive this increase. There is no price tag on the bill at present as no one qualifies.

If an administrative secretary were to pass, she would receive \$7.00 a week or \$364 a year. A Steno II would be \$5.50 a week or \$286 a year. A Steno III is \$5.00 a week or \$260 a year. The department of any secretary who might pass should be able to absorb this as they would any other merit or longevity increase.

We do a lot of grumbling about deadwood and incompetence in state government and yet we do very little to provide incentives and rewards to those who are willing to improve themselves.

This bill received a unanimous report from the State Government Committee, and I hope you will see fit to give it the 101 votes necessary.

The SPEAKER: This being an emergency measure, a two-thirds affirmative vote is necessary for its enactment. All in favor of enactment will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and 14 having voted in the negative, the Bill was passed to be enacted as an emergency measure, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Authorize a Food Stamp Program for Piscataquis County" (H. P. 1143) (L. D. 1584) — In Senate, passed to be engrossed. — In House, House Amendment "A" (H-269) adopted, House Amendment "B" (H-278) adopted.

Tabled — May 17, by Mr. Kelleher of Bangor.

Pending — Passage to be engrossed.

Mr. McCloskey of Bangor offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-285) was read by the Clerk and adopted.

Mr. Gauthier of Sanford offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-290) was read by the Clerk.

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

Mr. DYAR: Mr. Speaker and Members of the House: As a member of the Health and Institutional Services Committee which heard the original bills, and also as a member of the County Government Committee, I would like to state that I am not opposed to this food stamp program. I think it is a wonderful thing compared to surplus food.

I just wonder with these amendments, if the people who put these amendments on have considered their county budgets. A lot of these counties have a contingency fund of \$25,000, and I think you will find that in some cases this food stamp would use up all their contingency.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Very briefly, yesterday I made some attempt to find out whether or not this might just happen. I have been informed that in many cases it is very doubtful whether or not the Department of Agriculture in Washington is going to give us any additional money for the food stamp program, and definitely if they do, it will not be in this fiscal year. Now it would mean, therefore, that we would be talking only

about one year of the biennium, the second year of the biennium. Lastly, of course this is permissive legislation.

Thereupon, House Amendment "D" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "A", "B", "C" and "D" in non-concurrence and sent up for concurrence.

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

Senate Report — Leave to Withdraw — Committee on Judiciary on Bill "An Act Repealing the Law Relating to State Licenses for Those Discriminating on Account of Race or Religion" (S. P. 253) (L. D. 760) — In Senate, Report accepted.

Tabled — May 17, by Mr. Ross of Bath.

Pending — Acceptance in concurrence.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I move that we substitute the bill for the report for the purpose of offering an amendment and I wish to speak to this motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House substitute the Bill for the Report.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Those of you who are at all interested, would you please look at House Amendment "A" under filing 287. This bill is the bill relative to discrimination, and the law we passed last session called the Mills Bill, which caused the furor primarily with Elks Clubs throughout the state.

The original bill this year would have repealed that entire section, but that was not really the intent of the sponsor. But he did not have the time nor the expertise to research the entire subject and come up with a suitable amendment. However, Judge John Carey of Bath has done this work. He has come up with a 21-page brief which makes sense to me.

I certainly was never one to condone discrimination. As a matter of fact, in the 102nd Legislature I co-sponsored the Fair Housing Bill which is on our books now. And for those of you who were here at that time, you may remember that at that time I recited Gunga Din on the floor of the House. My many Republican friends thought that I was too liberal and they voted against this anti-discrimination law, but thank goodness it did go through. However, last session, when we enacted Section 1301-A, many of us didn't realize how far-reaching this would be.

Now today I am not speaking just for Elks Clubs certainly, I am speaking to the law in general. For instance, I had no idea that we in Maine were going to go beyond federal legislation, and even our national laws are annoying very many people. However, USCA, Section 2000-a, subchapter II, which is the United States Code Annotated, or in simple terms, our federal statutes, where it refers to discrimination for public accommodations, firms and corporations, it specifically exempts private clubs or other establishments not in fact open to the public. I doubt if many members who supported this bill at the last session realized we were going this far. Judge Carey's report cites page after page of examples. I have several copies for anybody who might be interested.

But in short, my amendment which I would offer if we could substitute the bill for the report, does what many people wanted to do. It simply states that no person, firm or corporation which discriminates because of race, religion or national origin, shall be granted a license, with the exception of private clubs or other places not in fact open to the public, which is like the federal law does now.

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

Mr. LUCAS: Mr. Speaker and Members of the House: I oppose this amendment as I hope the majority of this body will. I do not believe that the State of Maine

should become a silent partner to private clubs that practice discrimination with regard to race and religion. These private clubs would not be able to operate, they would not be able to maintain their solvency if they did not have a liquor license. So I would ask the colleagues in the House to defeat Mr. Ross's attempt here, which is an attempt to side-step equal treatment for the benefit of a few private clubs.

This bill was reported out of committee "leave to withdraw," and I believe this body should concur with the Senate. Therefore I would move that we concur with the Senate.

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

Mr. LUND: Mr. Speaker and Members of the House: I would join the gentleman from Portland, Mr. Lucas, in opposing the motion of Mr. Ross. I would like to mention to the House what has not been mentioned to the House; namely, that following the regular public hearing on this bill the Judiciary Committee, busy though we are with many other bills, afforded former Judge Carey and his associate a meeting with the committee at our executive session at which he presented his arguments, including his 21-page brief.

The previous session of the legislature adopted through the legislation that we are talking about as a policy, a thought that if people wish to discriminate in their private clubs they may do so. But the state may and will withhold such privileges as it can confer, such as license and the privilege to serve food through such clubs that discriminate. And to adopt the amendment that has been proposed by Mr. Ross would back-track on that move that was made in the previous session.

Following the meeting with former Judge Carey, the Judiciary Committee discussed the matter again and unanimously rejected the concept which is now being proposed by Mr. Ross, and I hope that the House will do likewise.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to substituting the bill for the report. I think in effect the amendment, even though I think to some point that the Judge from Bath perhaps spent a lot more time than I did or perhaps anyone else in this House has on the particular bill — I am not referring to the gentleman from Bath, I am referring to the Judge from Bath — I think, in effect, the amendment that is being proposed here would completely kill for all practical purposes a law that was passed by this legislature two years ago.

And I would hope that you would vote against the gentleman from Bath, Mr. Ross.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: The license to dispense liquor is like the license to drive, a privilege given by the state to those people who can meet the conditions attached to that privilege. One of the conditions attached to the privilege to dispense liquor in the State of Maine is embodied in the law passed by the 104th Legislature which prohibits discrimination. I don't think it would be a wise thing for the 105th Legislature to take a step backwards and amend out that portion of the law which prohibits discrimination in these type of clubs.

I can recall receiving an application for one of the clubs which is now being regulated by this law. And the first question on the application was, are you a white, male American? Needless to say, this application was put in my circular file and I have not since crossed the portals to that club-room.

I think it was a wise move for the 104th Legislature to put this type of law on the books. I think it would be a step backwards for this legislature to erase it. I urge you to support the move to withdraw this bill and to vote against Mr. Ross's motion to substitute the bill for the report.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House substitute the Bill for the Report on Bill "An Act Repealing the Law Relating to State Licenses for Those Discriminating on Account of Race or Religion," Senate Paper 253, L. D. 760. If you are in favor of substituting the Bill for the Report you will vote yes, if you are opposed you will vote no.

A vote of the House was taken. 45 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

Thereupon, the Report was accepted in concurrence.

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

Bill "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses" (S. P. 450) (L. D. 1296) — In Senate, Majority "Ought not to pass" Report accepted. —In House, Minority "Ought to pass" Report accepted, House Amendment "B" (H-235) adopted.

Tabled — May 17, by Mr. Carey of Waterville.

Pending — Adoption of House Amendment "A" (H-227).

(Off Record Remark)

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

Mr. VINCENT: Mr. Speaker, the reason that I rose was the fact that it wasn't an error at the time that I gave it to the Clerk — it was 226. And I am on my feet at this time to withdraw it, but since they changed the filing number there I would move for the adoption of H-227.

The SPEAKER: The gentleman from Portland, Mr. Vincent, moves the adoption of House Amendment "A". Is this the pleasure of the House?

(Cry of "No")

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

A vote of the House was taken. 69 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

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

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

SENATE DIVIDED REPORT — Majority (7) "Ought not to pass" —Minority (6) "Ought to pass" with Committee Amendment "A" (S-158) —Committee on Labor on Bill "An Act relating to Preference to Maine Workmen and Contractors" (S. P. 163) L. D. 485) — In Senate, Minority Report accepted. Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" (S-172).

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

Pending — Motion of Mr. Good of Westfield to accept Majority Report in non-concurrence.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: This bill had an amendment placed on it in committee and it had an additional amendment placed on it by the other body. There are some changes in it but I think the two basic features of the bill can be well understood by reading the Statement of Fact on the bill, which is L. D. 485.

I would like to review with you those two features. As our law stands now we apply what is called a Fair Prevailing Wage to construction projects done by the State of Maine. This bill would apply, would make the law consistent by applying this same concept to construction projects which receive over \$10,000 in state funds.

The second feature of the bill is described best by just reading the Statement of Fact. "It would simplify and make more economical the administration of the law be-

cause it would be necessary only to make one wage determination each year, and both contractors and workers would know in January the minimum wage rates applicable for the year. This in turn would speed up the invitations to bid, and simplify the procedure for all agencies involved."

As it is now, according to my understanding, the state is divided into a number of regions and you may deal with more than one determination a year. Bids can be slowed down, because they can't really bid until they know what rate has been determined by the state for their locality. This would change that to make it only once a year on a state-wide basis and would be of assistance to the Department of Labor which has, I believe, only two people working on this function.

I ask, therefore, Mr. Speaker, that the House reject the motion before it and accept the Minority Report, so that at third reading we may consider whether we want to go along with the other body on amendments.

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

Mr. LEE: Mr. Speaker and Members of the House: As a member of the Majority "Ought not to pass" of the committee, this bill is absolutely unnecessary and I believe it places a burden on the workmen of the State of Maine and the municipalities which have the work done. I think that we should accept the "Ought not to pass" Report.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: This bill, like a lot of bills that are before this session, is a repeat. This was killed in the last session and the reason very briefly is that when you attempt to apply a state-wide standard of construction wages you come up with a highly artificial standard that is in most instances a higher rate than when local standards are applied. So that the effect of the bill in the long run is to boost

what is an already unreasonably high rate structure in the construction industry.

I think that the most of you are familiar with the fact that very recently at the federal level by executive order the application of a similar bill at the federal level has been suspended. That is the Davis-Bacon Act, as I recall it, which is a similar provision or attempt to apply standards of prevailing wages in the construction industry. The effect of that Act is very similar to the effect of this Act at the state level; in other words, you come up with — and you are bound to come up with an artificially high standard of construction wages.

I think it would be pretty difficult to argue that we need to increase the prevailing rates of wages in the construction industry in the state. The net effect of this bill is to do just that. It has been found expedient at the federal level to suspend the operation of a similar act and I think we would be wise at the state level now to continue what has been the policy of using local levels and local rates in establishing standards.

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

Mr. McTEAGUE: Mr. Speaker, and Members of the House: As the gentleman from Houlton, Mr. Haskell, has stated, it is true that earlier this year President Nixon suspended the operation of the federal equivalent of this bill. It is also true that about one month after he suspended the operation he put it back into operation. I don't have the exact date, but I would say that it was within the last six weeks. So in order that the members of the House have as accurate information as possible, I tried to look it up but haven't had a chance. But I am certain that the federal Davis-Bacon Act is back in force by proclamation of President Nixon.

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought not to pass" Report in non-concurrence. All in favor of accepting the Majority

Report will vote yes; those opposed will vote no.

A vote of the House was taken. 67 voted in the affirmative and 51 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake 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 will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Westfield, Mr. Good, that the House accept the Majority "Ought not to pass" Report in non-concurrence. All in favor of accepting the Majority Report will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Bither, Bragdon, Brawn, Brown, Bunker, Carey, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Donaghy, Dyar, Evans, Finemore, Gagnon, Hall, Haskell, Hawken, Hayes, Henley, Herrick, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marsteller, McCormick, McNally, Millert, Morrell, Mosher, Norris, Page, Parks, Porter, Pratt, Rocheleau, Rollins, Shaw, Simpson, L. E.; Smith, E. H.; Stillings, Susi, Trask, Webber, White, Wight, Williams, Wood, M. W.

NAYS — Albert, Bedard, Bernier, Berry, P. P.; Berube, Birt, Boudreau, Bourgoin, Bustin, Call, Carrier, Carter, Clemente, Conley, Cooney, Cote, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Hardy, Hewes, Jutras, Kelleher, Kelley, P. S.; Kuyte, Kilroy, Lawry, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McTeague, Mills, Murray,

Orestis, Pontbriand, Rand, Shute, Slane, Smith, D. M.; Starbird, Theriault, Tyndale, Vincent, Wheeler, Whitson, Wood, M. E.

ABSENT — Binnette, Churchill, Cottrell, Dudley, Emery, D. F.; Gill, Good, Hanson, Hodgdon, Jalbert, McKinnon, O'Brien, Payson, Ross, Santoro, Scott, Sheltra, Silverman, Simpson, T. R.; Tanquay, Woodbury.

Yes, 63; No, 66; Absent, 21.

The SPEAKER: Sixty-three having voted in the affirmative, sixty-six in the negative, with twenty-one absent, the motion does not prevail.

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

Committee Amendment "A" (S-158) was read by the Clerk and adopted in concurrence.

Senate Amendment "A" (S-172) was read by the Clerk and adopted in concurrence and the Bill was assigned for third reading tomorrow.

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

An Act relating to the Regulation of Private Detectives, Senate Paper 334, L. D. 984, which was passed to be enacted on yesterday and earlier today reconsidered, the pending question being passage to be enacted.

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

Mr. NORRIS: Mr. Speaker, I would ask for suspension of the rules.

The SPEAKER: The gentleman from Brewer, Mr. Norris moves that the rules be suspended for the purpose of reconsideration. Is there objection? The Chair hears objection and will order a vote. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 28 having voted in the negative, 75 being more than two thirds, the rules were suspended.

On further motion of same gentleman, the House reconsidered its action of May 11 whereby the Bill

was passed to be engrossed as amended by Committee Amendment "A".

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

House Amendment "A" (H-291) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: This amendment changes the issuance of these licenses from the Secretary of State back to the Governor and the Council. After conferring with the Minority Floorleader and the Majority Floorleader and the sponsor of the bill, I was asked to present this amendment to the House, and that is exactly what I am doing. And you can read it over, but all that it does is change under the regulation of private detectives, it would leave it now with the Governor and Council where the present law is.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: This bill was passed out by the Legal Affairs Committee 12 to 1 "ought to pass"; and the reason this bill was introduced in the first place was to take politics out of detectives. Now the front office, with the consent of the Council, has been making these appointments, and they have been restricted to 50.

Now this takes the restriction off, but it still puts them back into politics where the Governor will appoint, and where the Council will confirm.

Now if we are going to continue to do that we might as well stay the way we are. This bill is not any good. Now I object strenuously to putting back these private detectives under the Governor and limiting them, because right now we have detectives overrunning the state which don't have to be registered. They come from Massachusetts and New Hampshire, and all over the place; and so why not our own people? We are talking about putting people to work, and our own people don't even have a chance because it has been limited

to 50 working as a detective in this state.

Now if we were going to take this and at that time the Minority Leader had a bill which was similar to this one — not quite so comprehensive. He withdrew his, and said he would support this one. All of a sudden he has had a change of heart. Now if we are going to do anything about the detective business, let's keep it out of politics, please.

I move the indefinite postponement of this amendment.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The amendment that you see before you is an amendment which I think is agreeable to the sponsor, and I know the sponsor is in agreement with it. I also happen to know that the two chairmen of the committees have discussed the amendment with me, and also with other people; and they were happy with the amendment itself.

The original bill — and of course we are talking right now only of the appointment power — the original bill called for that power to be in the Attorney General's office. The committee made that part of the Secretary of State's office. This amendment brings them back to the Governor and Council.

Now I don't know how much history about private detectives that you care to know about. But in 1965 there was a bill in this legislature, as I recall—and of course I don't have the record in front of me—as I recall it, that basically removed that power from the Governor and Council. That bill was vetoed by then Governor Reed. Two years ago we had a bill that worked along the same basis as this one, and that didn't get anywhere.

Now basically the concern and the problem is this. We are concerned that we are going to have a large number of people applying for these licenses without any rhyme or reason, without any thought being given as to who

should receive one and how many should receive one. The number here is not being imposed. There will be no number under this this new bill.

However, there will still be the check of the Governor and Council as to whether or not these appointments ought to be issued. I think that this is probably the safest way we can handle it. Now probably in the future we can take care of that; but today I don't think we can.

I would hope that you would vote against the motion of the gentleman from Lewiston, Mr. Cote. When the vote is taken I request that it be taken by the yeas and nays.

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 the motion to indefinitely postpone this amendment. In the past hour I have talked with the sponsor of this bill and he has had changes of thoughts on this, and he is not in favor of this amendment at this time.

If this amendment is put on, politics will continue in these appointments, and as a member of the Legal Affairs Committee I feel this is a good bill and we should pass it without the amendment.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I am on Legal Affairs Committee, and we discussed it thoroughly in committee. The report was 12 to 1 "ought to pass", and it came to me through a roundabout way that probably the Governor didn't want the Attorney General to make those appointments. So we compromised and we went along with the Secretary of State making these appointments, or issuing these licenses.

Now there is a turnabout again, and they want to give it back to the Governor. I have got nothing against the Governor making the appointments, but I think what we are trying to do today is trying to take politics out of the de-

tectives. And if we fail to do that today we might as well stay with the old bill that we had, because it won't be any better.

It was said in committee and rightfully so, there are 46 licenses now in effect. There are only four people who use their license for the purpose they were issued. All the rest, they are pocket pieces. And I object to that.

I feel that if we are going to have a licensed detective he should be able to work. Now the state is overrun with out-of-staters and I think we should stop that, and if our own people can get licenses without having to play politics we would be a heck of a lot better off.

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

Mr. FECTEAU: Mr. Speaker and Members of the House: Being a member of the Legal Affairs Committee, we did discuss this a long time. We even raised the price of the licenses so that there won't be that many that are going to apply, only those that really want to do business in that business.

I agree with Mr. Cote, we should leave it just the way it is, just the way we agreed 12 to 1. I think we should leave it this way.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I served also on this, and I listened to this for a long while. And I go along with Mr. Cote 100%.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that House Amendment "A"

to An Act relating to the Regulation of Private Detectives, Senate Paper 344, L. D. 984 be indefinitely postponed. If you are in favor of indefinitely postponing House Amendment "A" you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Berry, G. W.; Berube, Birt, Bither, Brawn, Brown, Bunker, Call, Carey, Carrier, Clark, Cote, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Fraser, Gagnon, Gill, Hall, Hancock, Hawkens, Hayes, Henley, Hewes, Immonen, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Kilroy, Lee, Lewis, Lincoln, Lizotte, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, McNally, Mosher, Orestis, Page, Payson, Pontbriand, Porter, Rand, Rollins, Scott, Shaw, Shute, Silverman, Smith, E. H.; Starbird, Tanguay, Theriault, Trask, Tyndale, Webber, White, Williams, Wood, M. W.; Wood, M. E.

NAY—Bartlett, Bedard, Bernier, Berry, P. P.; Binnette, Boudreau, Bourgoin, Bragdon, Carter, Clemente, Collins, Conley, Cooney, Cottrell, Dow, Doyle, Dyar, Finemore, Gauthier, Goodwin, Hardy, Haskell, Herrick, Kelley, P. S.; Keyte, Lawry, Lebel, Lessard, Lewin, Littlefield, Lucas, Lund, Martin, McCloskey, McCormick, McTeague, Millett, Mills, Murry, Norris, Parks, Pratt, Simpson, L. E.; Slane, Smith, D. M.; Stillings, Vincent, Wheeler, Whitson, Wight.

ABSENT—Albert, Bustin, Churchill, Curran, Drigotas, Dudley, Emery, D. F.; Genest, Good, Hanson, Hodgdon, Jalbert, McKinnon, Morrell, O'Brien, Rocheleau, Ross, Santoro, Sheltra, Simpson, T. R.; Susi, Woodbury.

Yes, 78; No, 50; Absent, 22.

The SPEAKER: Seventy-eight having voted in the affirmative, fifty in the negative, with twenty-two being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A".

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

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

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians (H. P. 402) (L. D. 515) Pending passage to be engrossed.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I think this, even at this late hour, deserves an explanation. We are asking the taxpayers of the State of Maine to set up a million dollar fund to encourage the building of houses, and remodeling of houses by our Indians.

Now on the face of this I feel that this should be encouraged. But I think the explanation that you should have is that no banking institution in Maine will loan money for this purpose, for one very good and simple reason. The land that these houses are to be built on is not owned by the person that is going to build the house. And therefore, if the house is built or remodeled and someone decides to move out and just forget about it, that is the end of it, and the state will own a house on the reservation.

I don't think that we should ask the people to do something that our lending institutions will not do because they are in the business of making money, and if it is a legitimate loan you can be sure that they will be happy to do it. But it was well brought out in testimony in the hearings that there is no real justification in my opinion for us asking that this million dollar fund be set up.

There is an alternative to this, I think, that might be tried. There are some Indian trust funds, and if the Indians themselves, along with the trustees of this fund, feel that this is a worthy project, then we might see that these trust funds are used to back up these loans. But I just don't see going to ask the general public to be prejudiced

in favor of the Indians. And this is what it boils down to. I don't think that we should have our red brethren downtrodden, but on the other hand I don't think that they should get so much more than everyone else.

When we go for a mortgage we have to be able to put up certain collateral and assurances. I don't see why an Indian wouldn't have to do the same thing. If they want to leave the reservation and build a house, borrow money in the same manner as anyone else, there is no restriction on it, and they are able to. But this is on the reservation where they do not own the land. And as a matter of fact, on these reservations most of the housing is even built for them. They don't have to build it themselves.

I think that this is an unnecessary thing, and I am going to ask you to indefinitely postpone the bill, and I will make that motion.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that L. D. 515 be indefinitely postponed.

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

Mr. STARBIRD: Mr. Speaker and Ladies and Gentlemen of the House: First of all I would like to correct a statement made by Mr. Donaghy which I believe is made through misunderstanding. The method of ownership on the two reservations is different. On the Passamaquoddy reservation, the land is not privately owned. It is owned in common on the two Passamaquoddy reservations, it is owned in common by all the tribe. They have never consented, as the Penobscots did some 130 or 140 years ago, to the idea of private ownership of land.

Penobscots on the other hand, at that time, about 130 years ago, their reservation was lotted and land was assigned to the persons living on it. Some land was unassigned, and owned by the tribe. And in case of lack of heirs, when a man or woman dies in that tribe, the land again reverts to the unassigned or tribally owned land, and may be reassigned to another

member of the tribe who lacks land if this is possible.

Now the reason that banks will not loan money for Indian housing is thus very simple. The tribe under state law, the tribe under tribal law, tribal agreement, tribal treaty if you will, cannot sell outside the tribe, even in the Penobscot tribe where there is private ownership. The person owning the land cannot sell his land to anyone who is not a member of his tribe.

Therefore a mortgage by a bank on his land, or on his real estate—we will put it that way, is meaningless. For supposing he did not pay. The bank could not foreclose, because the bank is a white institution, it is controlled by white people, or possibly by Negro people. But at any rate, not members of the tribe. Therefore, they cannot, as an institution, own tribal land.

In many instances I feel that the banks would be perfectly willing to loan to fiscally responsible people of the tribes if they were assured that for any reason, because there may be even the person who is most particular in paying his debts, may come upon bad times and not be able to do so. So to have something as collateral to back up the loan the bank would like to have something that they can collect on in case this misfortune should happen.

Among the tribes this is not possible. So therefore we come to this guarantee of the state. If the state would guarantee the loan as it has in so many cases, than the banks would be willing to loan money. The state initially at least, unless there is a default of a loan, would be investing no money.

Now we do know that these loans made in this manner, these state guaranteed loans — we know that there have been cases in the past where there have been defaults. In particular, the most glaring one in recent years is Maine Sugar Beets. But I might remind you that in all we have guaranteed loans for industrial manufacturing, recreational, fisheries and agriculture, and the Maine School Building Authority. And the 107th Amendment to the Constitution in

1967, whether it was through inadvertence or not, put in a clause that changed the wording of the second sentence of Section 14 of Article IX, about not being able to loan in the aggregate over \$2 million, and so forth, which many exceptions follow, these that I have just quoted being the ones. But this was amended and added a sentence on it that this shall not be construed to refer to any money that has been or may be deposited with this State or by the government of the United States or to any fund which the State shall hold in trust for any Indian tribe.

It seems to indicate that the something like \$225,000 or so held together in both Indian trust funds at the present time is not or cannot be applied for the purpose that Mr. Donaghy recommends. Although this might, as he said, be one alternative.

This is the way I interpret it at least and I may be wrong. But since the state, regardless of this particular amendment that is now in our Constitution, since the state by the treaties has guaranteed the two Maine Indian tribes certain lands in this state, in lieu of other lands that were sold to them or given to them by the Indians by the same treaties, the state has guaranteed that these lands shall be forever held by the tribes for their benefit. Since the state through statute just said that the Indians might not sell their lands outside the tribe without the state's consent, it would seem to me therefore that the state should be bound to back up any loans that a reservation Indian might wish to make in order that he might repair his present house or build a new one.

I think it is only just in view of the present state of Indian legal affairs. I ask you to oppose the motion for indefinite postponement and I would request the yeas and nays.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: As one of the signers of the "Ought not to pass" Report on this bill I would like to concur

with Mr. Donaghy that we could indefinitely postpone this bill. It seems to me that we do have a very particular problem here and the Indians who are trying to borrow money for certain purposes do have a problem. But I think that this is not the way to solve it.

I think we have a situation here that is very hard to resolve because we want to respect the Indians' right to have their own lands and their own tribal customs and so forth; and if their tribal custom prohibits or makes it impossible for them to get certain loans, then I think that this is a problem that they have to live with. If we pass this bill we would propose that they have the advantages that other people have that move off the reservations. So I don't think that they can have it both ways.

I think that there are alternatives to this constitutional amendment that the Indians themselves and the Indian Department might set up a credit union, for instance, and some of the organizations and others that want to help the Indians can help fund this credit union and so that they could manage these loans in their tribal way. And I think to ask the taxpayers of the State of Maine to support this type of thing is doing more than we are called on to do.

We tried to get some figures about how much the state and federal government was spending on Indian programs in the last year. I have these in the State Government Committee room. I don't have them right here in front of me but as I recall, in the past fiscal year the state and federal government spent approximately \$3 million on Indian programs in the State of Maine. Now this figures out to nearly \$3,000 per person, man, woman and child on the Indians.

Now it seems to me that we are doing fairly well here. I grant you that the Indians don't receive this. A lot of it gets lost in programs, but I think that we are making an effort here and I think that this bill is unnecessary.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone this bill.

Since I have worked fairly closely with Indians throughout the State of Maine for several years, I believe I have some understanding of why this particular bill is important to them.

The gentleman from Kingman Township, Mr. Starbird, has outlined some of the background and the reasons why the Indians are unable to obtain bank-financed loans as we can.

The gentleman from Lubec, Mr. Donaghy, is quite incorrect in saying that the Indians have had their housing built for them. The housing that was built on the Pleasant Point Reservation, under the direction of the Department of Health and Welfare, was built with Indian money, not state money. Those particular houses do not meet the fire standards of the state at the present time. In fact there was a severe tragedy in which several people died in one of those homes this year.

The intent of this bill is to help Indians become more self-sufficient and build their own homes and make repairs to their existing homes. The Indian men on all three reservations, none of them had to be drafted in World War II. All that were eligible for military service volunteered. And yet they are not eligible for GI loans—for VA loans for housing because they do not individually own their house lots.

Loans which would be obtainable through this L. D. would not be indiscriminately given, particularly in view of some of the current financial difficulties of the state. The individuals applying for loans would have to have well established credit and would be carefully scrutinized by the Department of Indian Affairs.

Federal Indians received similar loans from the Federal Bureau of Indian Affairs. Do not Maine Indians deserve equitable treatment? Since this bill would be a constitutional amendment, it would have to be sent to the people for them to decide whether or not our

Indians will receive equitable treatment under our laws.

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

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

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: The effort being put into this bill is simply this. In the 102nd when the Department of Indian Affairs was established, there were found to be a lot of deficiencies in the operation of the reservation. Step by step these are being corrected. What has been explained here this morning will allow the Indians more responsibility which they were lacking in the old days. Step by step through the Department of Education the Indians are being brought up on their educational program so that now I am informed that when they go in to the public schools they are on a parity rating with the other students. I think that this is a very good piece of legislation and it still has to go to referendum before the people. Let's find out what the people think about it.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lubec, Mr. Donaghy, that Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians, House Paper 402, L. D. 515 be indefinitely postponed. If you are in favor of the Resolution being indefinitely postponed you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Bartlet, Berry, G. W.; Berube, Birt, Bither, Brawn, Bunker, Carrier, Carter, Conley, Cote, Crosby, Curtis, A. P.; Cyr, Donaghy, Finmore,

Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hewes, Immonen, Jutras, Kelleher, Kelley, K. F.; Lee, Lewin, Lincoln, Lund, MacLeod, Manchester, Marstaller, McCormick, McNally, Mosher, Page, Parks, Payson, Porter, Rand, Rollins, Scott, Shaw, Simpson, L. E.; Trask, White, Wight, Williams.

NAY — Albert, Barnes, Berry, P. P.; Binnette, Boudreau, Bourgoin, Call, Carey, Clark, Clemente, Collins, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Dow, Doyle, Dyar, Emery, E. M.; Farington, Faucher, Fecteau, Fraser, Gagnon, Gill, Goodwin, Hancock, Herrick, Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lessard, Lewis, Littlefield, Lizotte, Lucas, Lynch, Mahany, Marsh, Martin, McCloskey, McTeague, Millett, Mills, Murray, Norris, Orestis, Pontbriand, Sheltra, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Starbird, Stillings, Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bedard, Bernier, Bragdon, Brown, Bustin, Churchill, Curran, Dam, Drigotas, Dudley, Emery, D. F.; Evans, Gauthier, Genest, Good, Hanson, Hodgdon, Jalbert, Keyte, Lawry, Maddox, McKinnon, Morrell, O'Brien, Pratt, Rocheleau, Ross, Santoro, Shute, Susi, Tyndale.

Yes, 53; No, 66; Absent, 31.

The SPEAKER: Fifty-three having voted in the affirmative, sixty-six in the negative, with thirty-one being absent, the motion does not prevail.

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

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

Mr. MARTIN: Mr. Speaker, L. D. 1103, Leave to Withdraw, I would move that we reconsider our action whereby we accepted the Leave to Withdraw Report in concurrence.

The SPEAKER: Report of the Committee on State Government on Bill "An Act relating to Actions by the Attorney General for Injury to Tribal Lands," Senate Paper 364, L. D. 1103 reporting Leave to Withdraw, the gentleman from Eagle Lake, Mr. Martin, moves that the House reconsider its action whereby it accepted the Leave to Withdraw Report in concurrence.

Whereupon, on motion of Mr. Donaghy of Lubec, tabled pending the motion of Mr. Martin of Eagle Lake to reconsider, and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Dam of Skowhegan,

Adjourned until nine o'clock tomorrow morning