

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Wednesday, June 23, 1971

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

Prayer by the Rev. Mr. Kenneth Brooks of Augusta.

The journal of yesterday was read and approved.

On request of Mr. Susi of Pittsfield, by unanimous consent, unless previous notice is given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk be authorized today to send to the Senate, thirty minutes after the House recesses for lunch and also thirty minutes after the House adjourns for the day, all matters passed to be engrossed in concurrence, and all matters that require Senate concurrence; and that after such matters have been so sent to the Senate by the Clerk, no motion to reconsider shall be in order.

Orders Out of Order

Mr. Donaghy of Lubec presented the following Order and moved its passage:

ORDERED, that Thomas Marsteller of Freeport be appointed to serve as Honorary Page for today.

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

Mr. Brawn of Oakland presented the following Order and moved its passage:

ORDERED, that Kathleen and Karen McCormick of Union be appointed to serve as Honorary Pages for today.

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

Mrs. McCormick of Union presented the following Order and moved its passage:

ORDERED, that Renee Knowles of Greenwich, Connecticut be appointed to serve as Honorary Page for today.

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

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 Voluntary Surgery at Public Expense for Qualifying Parents" (H. P. 928) (L. D. 1282) reporting that they are unable to agree.

(Signed)

CUMMINGS of Newport
McCORMICK of Union
COTTRELL of Portland

—Committee on part of House.

TANOUS of Penobscot
CARSWELL

of Cumberland

VIOLETTE of Aroostook

—Committee on part of Senate.

Report was read.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I would like to move that we accept the Conference Committee Report, and while we are at the ball game I would move for a new Committee of Conference because we didn't have a Committee of Conference, we didn't confer. It was "nyet" in the hallways. But since this has never been discussed on the floor of the House, I just briefly want to go on record for the future.

This is a bill for voluntary surgery, the emphasis on the voluntary. Voluntary surgery is legal in all of our states, except the State of Utah, so we weren't dealing with any new law or trying to make something legal that wasn't.

I was motivated to do this, to put this bill in, through the encouragement of outstanding doctors in Portland of all religious faiths. The bill wasn't entered until just before cloture time because I had to do a lot of thinking about it; and some of the things I thought about was the fact that on January 13, in the Governor's budget message, with already a \$5 million deficit in Health and Welfare, it was announced that there would be 250 cases monthly increase in this field.

And during February I saw this in the Newsweek, which is one of our great periodicals, most quoted. "Health and Welfare — isn't there

a better way?" It is interesting to note that the Congress of the United States, the House of Representatives, any way, overwhelmingly passed a new welfare plan. Also in the month of February we all received this document on poverty in the State of Maine — 200,000 people living in poverty. And here is a family with nine children in the booklet on that report.

At the committee hearing there were no opponents. The people who spoke were all proponents. One of them I think was a great philanthropist, Mr. David Huber, whose family owned so much of our wildland and who is one of the timberland owners who supported the land control bill. It came out of committee with a favorable "ought to pass" report, and surprisingly it went right through the House without any discussion.

Now since this bill is dead, I might be permitted to quote, as a historical note, that the Senate failed to pass it by only three votes and that resulted in a Committee of Conference. There are many more things I could say, but this was simply an opportunity to give an alternate method of family planning to our lower income groups because sterilization is called the Cadillac of family planning methods. The average low income family does not have the money to take advantage of a procedure like this which is available to all other classes of our citizenry. I might say too, I expected a great many letters of flak against this, but in the volume of letters I received I only received one against it. It was supported by Health and Welfare; it was also supported by the 16 Family Planning Centers in our hospitals. That is all I care to go on record for.

Thereupon, the Conference Committee Report was accepted and sent up for concurrence.

Order Out of Order

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

ORDERED, the Senate concurring, that Bill "An Act relating to Certain Laws Relative to Great Ponds" (H. P. 1374) (L. D. 1791) be recalled from the Engrossing

Department to the House. (H. P. 1438)

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

By unanimous consent, ordered sent forthwith to the Senate.

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 to Provide Transportation for Blind Adults Attending Educational Facilities" (S. P. 472) (L. D. 1493) reporting that they are unable to agree.
(Signed)

TANOUS of Penobscot

CARSWELL

of Cumberland

MINKOWSKY

of Androscoggin

— Committee on part of Senate.

MILLET of Dixmont

HASKELL of Houlton

MURRAY of Bangor

— Committee on part of House.

Came from the Senate read and accepted.

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

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 Length of Certain Motor Vehicles" (H. P. 213) (L. D. 280) reporting that the Senate recede from its action whereby the Bill was indefinitely postponed; adopt Conference Committee Amendment "A" submitted herewith; and pass the Bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A"; that the House recede and concur with the Senate.

(Signed)

BERRY of Cumberland

ANDERSON of Hancock

DANTON of York

— Committee on part of Senate.

WOOD of Brooks

LEE of Albion

STILLINGS of Berwick

— Committee on part of House.

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

amended by Committee Amendment "A" and Conference Committee Amendment "A" in non-concurrence.

In the House, the Report was read.

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

Mr. FINEMORE: Mr. Speaker, I move we accept the Committee Report, and when the vote is taken I request it be taken by roll call.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore moves that the House accept the Conference Committee Report and that the vote be taken by the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that the House accept the Conference Committee Report in concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cooney, Crosby, Cyr, Dam, Dudley, Dyar, Evans, Farrington, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Good, Goodwin, Hall, Hancock, Hanson, Hawkens, Henley, Herrick, Hodgdon, Immonen, Jutras, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Larry, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lynch, MacLeod, Maddox, Mahany, Marsh, Marsteller, Martin, McCormick, McKinnon, McNally, Millett, Mosher, Murray, Norris. Orestis, Page, Parks, Porter, Pratt, Rand, Rollins, Ross, Shaw, Silverman,

Simpson, T. R.; Slane, Smith, D. M.; Susi, Theriault, Trask, Tynedale, Webber, Wheeler, White, Wood, M. W.; Wood, M. E.;

NAY — Baker, Barnes, Cummings, Curtis, T. S., Jr.; Dow, Emery, D. F.; Hewes, Lund, Payson, Shute, Smith, E. H.; Starbird, Williams, Woodbury.

ABSENT — Berube, Binnette, Cote, Cottrell, Curran, Curtis, A. P.; Donaghy, Doyle, Drigotas, Emery, E. M.; Faucher, Gill, Hardy, Haskell, Hayes, Jalbert, Kelleher, Kelley, K. F.; Lessard, Lizotte, Lucas, Manchester, McCloskey, McTeague, Mills, Morrell, O'Brien, Pontbriand, Rocheleau, Santoro, Scott, Sheltra, Simpson, L. E.; Stillings, Tanguay, Vincent, Whitson, Wight.

Yes, 98; No, 14; Absent 38.

The SPEAKER: Ninety-eight having voted in the affirmative and fourteen having voted in the negative, with thirty-eight being absent, the motion does prevail.

The House voted to recede from passage to be engrossed. Conference Committee Amendment "A" (S-309) was read by the Clerk and adopted in concurrence.

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

Mr. HEWES: Mr. Speaker and Members of the House: I appreciate the hour is late, but I did earlier in the session measure off the distance from the front of that hall to the post here beside Mr. Lebel, and that is only about 50 feet. What we are doing is lengthening the maximum length of a truck so that they will be even longer than from the front of the hall to the glass partition, and it seems to me that a length addition of a foot and a half is more than we should be doing at this time. It is almost like a railroad box car.

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

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Regulate

the Harvesting of Fiddleheads on Penobscot Reservation Lands" (S. P. 363) (L. D. 1102) reporting that they are unable to agree.

(Signed)

CARSWELL

of Cumberland
SEWALL of Penobscot
HOFFSES of Knox

—Committee on part of Senate.

MARSTALLER

of Freeport
BRAGDON of Perham
BERRY of Madison

—Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read.

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

Mr. PORTER: Mr. Speaker, it gives me real pleasure to suggest that we accept the committee report.

Thereupon, the Report was accepted in concurrence.

**Report of Committee
Ought to Pass in New Draft
Tabled Later in the Day**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 479) (L. D. 1594) reporting same in a new draft (S. P. 641) (L. D. 1835) under same title and that it "Ought to pass"

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

In the House, the Report was read.

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

Mr. DONAGHY: Mr. Speaker, may I have this tabled until later in today's session?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that L. D. 1835 be tabled until later in today's session pending acceptance of the Report in concurrence. The Chair will order a vote. All in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken. 52 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Non-Concurrent Matters

An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics (S. P. 3) (L. D. 17) which was passed to be enacted in the House on May 13 and passed to be engrossed as amended by Committee Amendment "A" on May 11.

An Act to Create the Maine Historic Preservation Commission (S. P. 159) (L. D. 428) which was passed to be enacted in the House on April 13 and passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" on June 15.

Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction (S. P. 281) (L. D. 815) which was finally passed in the House on May 28 and passed to be engrossed as amended by Committee Amendment "A" on May 25.

Came from the Senate indefinitely postponed in non-concurrence. In the House: The House voted to recede and concur on the preceding three items.

Non-Concurrent Matter

An Act Increasing Salaries of Justices of the Supreme Judicial Court and the Superior Court (S. P. 392) (L. D. 1170) which was passed to be enacted in the House on June 16 and passed to be engrossed as amended by Conference Committee Amendment "A" on June 14.

Came from the Senate indefinitely postponed in non-concurrence. In the House:

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

Mr. HEWES: Mr. Speaker, I would move that we insist.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves that the House insist.

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

Mr. MARTIN: Mr. Speaker, I would move that we recede and concur and I would speak briefly.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House recede and concur. The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There were a number of bills that appeared on the Appropriations table dealing with the Justices and the Superior Court. If you take a look at those bills that were enacted yesterday, you will find that two of them were enacted to help speed up the problems within the court system.

One was to add two Superior Court Judges and the other was to add two Court Reporters. This one would indeed add money to pay salaries, increased costs in salaries, for these individuals, which I happen to believe in. But since many individuals are not getting salary increases — these people were increased two years ago, I think that we can wait and see what happens then.

I personally am more than happy to recede and concur this morning because I have had complaints about a judge playing golf lately that I will wait and see what they do over the next year.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I talked about salary increases for the department heads; I can say the same thing this morning, but I will not bore you. I will just say that I concur with the remarks of the gentleman from Eagle Lake, Mr. Martin.

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

Mr. HEWES: Mr. Speaker and Members of the House: The increase in salary that we are talking about is modest. It is \$1500 for the six Supreme Judicial Court Justices and \$1,000 for the twelve Superior Court Justices. I feel that they are extremely dedicated. I don't know what the gentleman from Eagle Lake meant when he just said that the Justices were playing golf. I infer he meant that they are not doing their job. I submit that they do; they work

long hours; they work at home. Obviously they are giving thought to decisions constantly and they put in very long hours each week. They face extreme problems, decisions to make. When rational people can't agree they go to the courts and the Judges are the ones that have to make the decision. They try to be as fair as Solomon. Nobody is questioning their integrity. They are not receiving any pay increase if we don't pass this, whereas most others are receiving 11 per cent, as I understand it, increase in state government.

The Maine Justices, as you will note from the material that has been sent to you, receive far less than the average pay of the Justices in other states. Judge Gignoux, the only federal court Judge in Maine, receives \$42,500 whereas our Chief Justice only receives \$22,750, which is about \$20,000 less than the District Court Judge Gignoux of the federal system receives.

I would hope that you will vote against the motion to recede and concur with the Senate.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to support the remarks made by our Minority Leader, Mr. Martin, in connection with this. This is obviously one of the bills that was on the Appropriations table and was dealt with by leadership, and we do not have the funds to cover this salary increase. I hope that you will kill this along with the rest.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

An Act Establishing a Comprehensive Child Care Program of

Maine (S. P. 432) (L. D. 1247) which was passed to be enacted in the House on June 1 and passed to be engrossed as amended by Committee Amendment "A" on May 26.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

An Act relating to the Control of Dogs (H. P. 270) (L. D. 359) which was passed to be enacted in the House on April 2 and passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" on March 30.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: I will be very brief, but I just want to wave goodbye to my dog bill. I am not going to make a motion on this bill because I know when I'm beat, but I do want to go on record as being very unhappy with the way this measure was killed.

There are a few things about this Legislature that I have not learned in my three years here, but when certain individuals in Augusta by smooth maneuvering can take a much needed bill like this, put an unrealistic \$90,000 price tag on it for the sole purpose of killing it, it borders on the ridiculous. This bill would not cost one red cent, but it would be a great help to the towns and cities in the State of Maine.

This bill as far as I am concerned is dead, but I don't like Tammany Hall politics.

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

Mr. ROSS: Mr. Speaker, I would like to pose a question to anyone in this House who might be able to answer it. What were they going to use this appropriation for?

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

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

Mr. FINEMORE: Mr. Speaker, as I understood it, this was a uniform for the dogs. (laughter)

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

Mr. ROSS: Mr. Speaker and Members of the House: Since the majority of this House was in favor of this bill and since I definitely was in favor of it, and since I think that the appropriation should not have been put on, I move that we insist.

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

Mr. EMERY: Mr. Speaker and Members of the House: As a member of the Legal Affairs Committee that heard this bill, a couple of months ago it seems, I still support the bill and I agree wholeheartedly with the comments made by the gentleman from Westfield regarding the appropriation.

When the bill was heard before the Legal Affairs Committee there was absolutely no mention at all made of any need for any appropriation, and I think that it would be doing a disservice to the people if we failed to pass this bill, simply because of an appropriation that has been added to it which, as far as I have seen, is not really needed. I would hope that we would insist and that later on we could remove the appropriation and pass this bill.

When the vote is taken, Mr. Speaker, I ask for the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I personally know that I am going to get an awful lot of flak if this bill is not passed, and for that reason I do go along with the motion before the House at the present time to insist.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In the first place, I don't think that there was ever any need to put an appropria-

tion on this measure. It was done, in my opinion, deliberately to kill this bill. Now if I was against the bill I would now become a proponent of it. Nothing was ever mentioned about an appropriation on this bill until such time as it went into the other body for enactment.

Now I am fully aware, Mr. Speaker, of the rules of the House and the rules of the other body wherein it concerns mentioning the actions of the other body. But somewhere along the line I get a little aggravated from somebody that might be termed in some capacity of hierarchy on the other side who tells you, "Don't worry about your orders, they are all taken care of," when all the time they have been killed. And I think that somewhere along the line somebody on the Research Committee within the next two years might consider that we might have orders in situations where we here might take care of our problems ourselves.

I tried at the beginning of the session to convince some members that we for instance should have our own, as we used to, Appropriations table. We failed to act; we failed to heed the warnings because somewhere along the line when we began this session, anybody that would get up that might have had some experience here was just talking to a brick wall. And right now we are reaping the harvest that we have sown.

I will go along with this thing to insist; I will go along with whatever motion you want to make. But right now I am going to say what I did say when we first started. We dillydallied for days and weeks on pettiness, on things that don't amount to anything, and then at the closing moments we think we are going to remake the world. I assure you of one thing, it doesn't make any difference what you do here this morning, you are going to get a negative action from the unmentionable branch from now until we adjourn. We are at the mercy of the unmentionable branch and we did it ourselves because we didn't act in the way we should have in the first place.

The SPEAKER: The Chair rec-

ognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: I don't think that it can be truthfully said there is no cost to this bill. This is a dog leash law, and if they pick up more dogs it is going to cost more. But I think the cost would be very small. I think it was perfectly ridiculous to put that appropriation on the bill. If we could save one deer, that would be a saving of \$300 to the state. And you just think back to the number of deer that have been killed last winter, and I think it would be a real saving if we could pass this bill in some form.

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

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

The SPEAKER: The gentleman from Waterville, Mr. Smith, moves that we recede and concur. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 32 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

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 Bath, Mr. Ross, that the House insist on its former action on An Act relating to the Control of Dogs, House Paper 270, L. D. 359. If you are in favor of that motion 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, Boudreau, Bourgoin, Bragdon, Bunker, Bustin, Carey, Churchill, Clark, Collins, Conley,

Cooney, Cottrell, Cummings, Curtis, T. S. Jr.; Cyr, Dam, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hanson, Haskell, Hawkens, Henley, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lawry, Lessard, Lewin, Lewis, Littlefield, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, Martin, McKinnon, McNally, McTeague, Millett, Morrell, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rochelleau, Rollins, Ross, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Starbird, Theriault, Tyndale, Webber, Wheeler, White, Wood, M. E.; Woodbury.

NAY — Bedard, Bernier, Berry, P. P.; Brawn, Call, Carter, Clemente, Cote, Curtis, A. P.; Donaghy, Hewes, Keyte, Lebel, Lee, Lincoln, McCormick, Mills, Murray, Norris, Shute, Slane, Smith, E. H.; Susi, Trask, Vincent, Williams, Wood, M. W.

ABSENT — Albert, Bartlett, Binnette, Brown, Carrier, Crosby, Curran, Doyle, Hardy, Hayes, Kelleher, Kilroy, Lizotte, Lucas, McCloskey, Mosher, O'Brien, Santoro, Scott, Sheltra, Stillings, Tanquay, Whitson, Wight.

Yes, 99; No, 27; Absent, 24.

The **SPEAKER**: Ninety-nine having voted in the affirmative and twenty-seven having voted in the negative, with twenty-four being absent, the motion to insist does prevail.

Non-Concurrent Matter

Resolve Designating Part of Route 219 as a State Highway (H. P. 283) (L. D. 372) which was finally passed in the House on April 8 and passed to be engrossed on March 26.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The **SPEAKER**: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. **ROLLINS**: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to make a motion on this bill, but I would like to speak briefly on it.

I think possibly this 219 bill might be a little unique in one way because as I look back at roll call number 37, where we killed the amendments that were going to kill the bill, every Democrat in this House voted with me. I don't believe any other time during this session that the Democrats have gone along with a Republican un-animously. I feel very thankful to my Democratic friends.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matters

Resolve Reimbursing Donald F. Bartlett for Damage Due to Highway Maintenance (H. P. 301) (L. D. 401) which was finally passed in the House on March 11 and passed to be engrossed on March 4.

An Act relating to Indian Tribal Governors, Lieutenant Governors and Council Members (H. P. 308) (L. D. 408) which was passed to be enacted in the House on June 18 and passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto on June 15.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur on the preceding two items.

Non-Concurrent Matter

An Act relating to Regional Facility for Mentally Retarded Children in Aroostook County (H. P. 487) (L. D. 628) which was passed to be enacted in the House on May 3 and passed to be engrossed as amended by Committee Amendment "A" on April 14.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. **BRAGDON**: Mr. Speaker and Members of the House: If you will allow me a little latitude, I would like to combine my remarks with item 14 and item 16 because they are naturally tied together and I would like to debate them somewhat together if that is permissible.

With regard to item 14, An Act relating to Regional Facility for

Mentally Retarded Children in Aroostook County, no money is required. This is a new building which was built by a bond issue, which obviously was approved by the people. The building is completed; it is a nice building for a live-in facility for the mentally retarded in Aroostook County. It was built to contain probably somewhere from 25 to 30 inmates.

You all know that it has been the policy pretty much of Dr. Peter Bowman down at Pineland, he has insisted for years that these mentally retarded should be kept in their own areas as much as possible so that they could have an opportunity to visit with their families, whereas if they were all put in Pineland it would make this practically impossible.

I am going to be as brief as I can and get my message across. This facility was built for that very purpose. With regard to this item, it is proposed to be staffed by a group handling the mentally retarded in Aroostook County, which is not a live-in facility. They will get money from the school districts to finance the educational part of this facility.

Later on down in item 16, because it is a live-in facility, it was taken over by the Department of Mental Health and Corrections. It does need, obviously, because these children will be there overnight, it needs a supervisory board. The Department has agreed that they would go along and cut the original appropriation that they asked for calling for 8 people to 5 and hope that they could get along with it. I realize that they are probably cutting it just as low as they could. With regard to item 16, this would then require around \$45,000 annually.

Now this, as I said, this facility was built under a bond issue. It is a nice new building. If we don't find some way to staff it at this session we are going to see the sad prospect of the windows and doors of a new building immediately upon completion being boarded up. I think most of us would hate to see this happen. I think we agree that this is the proper way to handle these mentally retarded, and somehow or other I

feel that there is a way possibly that this can be done.

I suggested yesterday that we could possibly transfer some personnel from Pineland, 5 people, where they have 650-odd employees. I made the pitch that I felt that for at least these two years they could easily transfer 5 people from Pineland and we could transfer the funds, and this in that way would require no money at this time. Apparently this did not meet the approval of some of the powers that be. However, I hope that it could still be accomplished, and I am going to ask you to go along with me if you will with regard to item 14. I am going to make a motion to insist and I hope you will go along with me. Later on I will make a motion on the other bill when it does come up.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Perham, Mr. Bragdon. L. D. 628 is a regional facility for Aroostook County, but does take in children from Piscataquis County also who are in the region.

It is my understanding from the practice now at Pineland is to take some of the people out who are not trainable and put them into nursing homes and boarding homes, at the cost of approximately \$200 a month, to make room at Pineland for trainables.

Now these facilities in Aroostook County are for trainables. What we are going to have here are these retarded children in Aroostook County and surrounding areas transferred to Pineland at a much higher cost, and the untrainable at Pineland farmed out to boarding homes and nursing homes in the state. So the cost actually will be far higher to move these people around than it would be to operate this facility in Aroostook.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I know they expect me to make a different motion, but I am not agoin' to. But I would like to correct something that is wrong here. I am certainly

in favor of Aroostook County retarded children. But in making a statement, the ones they take out of Pineland and put into nursing homes is a savings to the State rather than a cost, because once they get in this nursing home they become eligible for federal funds which they aren't getting at Pineland and anywhere else. But I will go along with this motion to insist.

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

Mr. JALBERT: Mr. Speaker and Members of the House. Because I am vitally interested in speaking on the items, 16 unless we can insist on item 14 we are in trouble on item 16. I certainly hope we insist on this item so we can get to item 16.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: I would concur in entirety with the previous speakers. I think this is a facility that can do a great deal of work and I am surprised that they didn't get the money in the first place because the legislature in the last two sessions were very kind to extend the courtesy to me to make it possible in York County with our Camp Waban. I will insist.

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

Mr. SUSI: Mr. Speaker, I move that we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House recede and concur. The gentleman may proceed.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: At this stage of the session the leadership starts to earn its pay, and if you don't see horns on the heads of the leadership, well you soon will be imagining them.

This is one of the Appropriations table items. It was taken up in leadership and amongst some \$10 million worth of appropriation items that we had and about a million to cover them, I believe that the leadership did a conscientious job in attempting to arrive at priorities. I think it is a reasonable

statement to say that in leadership there is no prejudice against the Aroostook delegation nor Aroostook people. I hope that you would support the recede and concur motion and spare us the agony of going through to what eventually is inevitable on this bill.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The only thing that the gentleman from Pittsfield didn't tell you was that leadership was grossly divided over this particular issue and also item 16.

My reasoning was a very simple one and it was not because I happen to be from Aroostook County. My reasoning was very simple and I would like to relate it to you, that we are going to have a state constructed facility in Aroostook County, ready for occupancy in August of this year, and if nothing is done, that building will remain vacant. That to me seems ridiculous. And that was of course the reason why I objected to it in leadership being killed and that is why I object to it now being killed.

If we are going to construct a facility, whether it be in Aroostook County, Kennebec County, or any other county of the state, then we should not simply leave it vacant; and what was the sense of spending \$200,000-plus for this facility in Presque Isle if we are not going to operate it? And so I would ask you to vote against the motion of the gentleman from Pittsfield, Mr. Susi.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am amazed to hear the gentleman from Eagle Lake say that the leadership was grossly divided, let alone divided.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I often speak against goodies for Aroostook County because I harken back to the year 1959 when they had two bills in to build an addition

to the Fort Fairfield hospital out of public funds to the tune of \$1,100,000. I predicted at the time that there was no need for this; it was being done under the guise of a TB sanatorium and they had no TB cases there. I suggested then that sometime we have to buy it back, and in the 102nd Legislature we sold to Fort Fairfield that addition for one dollar. Nevertheless, as a past chairman and as a past president of the Pine Tree Society for Crippled Children and a future president — I am going to be elected again next year — I certainly am in favor of this bill, and I hope we vote against the recede and concur motion.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen: I speak neither for nor against this bill, but I would like to pose a question through the Chair to some of the delegates from Aroostook. And I would hope that I wouldn't get an answer about the uniforms for dogs.

I would ask, was not this bond issue sold to the people on the basis that Aroostook County was going to pick up the tab for the operating of it?

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, poses a question through the Chair to any member of the Aroostook delegation who may answer if they choose.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am going to answer him in this way. I don't believe that is true. I know that this thing has been battered around a little bit, but my recollection of the passage of the bond issue, there was never any idea of this being anything but a state facility.

Now of course the record is there for anyone who wishes to look it up and read, and I think possibly Mr. Martin is better informed and his memory is better than mine. I think perhaps he might add something to what I have said.

The SPEAKER: The Chair rec-

ognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Members of the House: I very definitely was lobbied on that bill when we voted to build the facility in Presque Isle. I consistently voted against it, and I was lobbied right and left, being told that it would not cost a cent to the State, and still, in spite of that, I did not vote to build the facility. Now we are down here with a cost to the State, and I am opposed to it now as I was then. I will not vote for money for this facility. I see no reason why we can't order Pineland to send their help up to Presque Isle, but I will not vote for more money.

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

Mr. DYAR: Mr. Speaker, I would like to pose a question through the Chair to anybody that would answer. I would like to know the status of the regional facility in Bangor. Is that still active or has it been killed?

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: This is off the top of my head in answering the question. Originally, as I recall it, in the Part I and Part II budget, there was a request for roughly 120 staff positions for the facility in Bangor. The Appropriations Committee has cut this back to I believe somewhere in the vicinity of 40 employees, which means in effect that the building when it opens will not have supposedly enough staff to fully equip that building also.

Now it should also be pointed out that the facility in Bangor is not necessarily the same type of a facility as we are talking about in Presque Isle. The type of facility in Bangor is one for those people that are not necessarily trainable; it is for the totally mentally retarded. The one in Presque Isle is for the so-called educable mentally retarded.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House recede and concur on An Act relating to Regional Facility for Mentally Retarded Children in Aroostook County, House Paper 487, L. D. 628. If you are in favor of that motion you will vote yes if you are opposed you will vote no.

A vote of the House was taken. 20 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

Thereupon the motion to insist prevailed.

Order Out of Order

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

ORDERED, that Timothy Clark and Kenneth Danforth of Gardiner be appointed to serve as Honorary Pages for today.

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

Non-Concurrent Matter

An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law (H. P. 600) (L. D. 801) which was passed to be enacted in the House on April 15 and passed to be engrossed as amended by Committee Amendment "A" on April 8.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County (H. P. 636) (L. D. 866) which was passed to be enacted in the House on May 28 and passed to be engrossed on May 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. BRAGDON: Mr. Speaker, I move that we insist and ask for

a Committee of Conference and I think I have said enough on this item for the present. I am sure that the gentleman from Lewiston, Mr. Jalbert, is waiting in the wings to reinforce my statements, so I will yield at this time.

The SPEAKER: The gentleman from Perham, Mr. Bragdon moves that the House insist on its former action.

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

Mr. JALBERT: Mr. Speaker and Members of the House: A few moments ago the gentleman from Pittsfield, Mr. Susi, mentioned the fact that this is when the leadership, words to the effect, that they had their work cut out for them, and they really do. I am certainly appreciative of the fact that somewhere along the line a no must be said. By the same token, I think that he, as well as any other member of the leadership organization, would have to admit that somewhere along the line that these proposals that are made are generally agreed upon. If, however, a solution to a problem can be arrived at, I think that even they would yield to it.

Now I must say that I will answer the gentleman from Lubec, Mr. Donaghy's remark about the fact that this was to be a county supported proposal. I was lobbied for this bill when I voted for it and the way I was lobbied for it was under that understanding. The same thing would go for a Bangor-Brewer bridge, the same thing would go, for instance, with, back along, Maine Maritime Academy. When I first sat on the Appropriations Committee, and believe me that's a long time ago, when I heard on two separate occasions, two separate sessions, one a regular one and special, give us \$15,000 for the Maine Maritime Academy and we will never darken your door.

Now just believe it! This statement was made time and time again during that session. So that statements are made and circumstances change. In this particular area here, I attended the hearing when it was first held for this facility to be built; and believe me one would have to be

more hardhearted than some would accuse me of being not to melt under the circumstances and the testimony that was brought forward at the hearing.

I knew then what would happen and it is happening now. However, as I stated in my remarks, if an area can be arrived at where a solution can be made on a proposition such as this, because all of the bills have value, and a vast vast majority, if not all of them, are killed because of the fact that there is no money. I am one of those who feel and I have always felt that if we are to have an Appropriations table we shouldn't be so loose with it. We shouldn't be so kind at the beginning of the session and say, "Please, let this go to the Appropriations table and see where it goes from there." Because I have been one of those my own self who have been part and parcel of this proposition.

In this area here, the reason that I would ask that we insist and ask for a Committee of Conference is because we can solve this thing. It would mean this. This measure would cost for the biennium in the area of \$40,000. I am not saying that later on there won't have to be any more money that will have to be given, because there will be. Because any area grows, if we are going to progress. If it is no good we eliminate it; if it's good it has got to progress; and if it progresses it usually has a price tag on.

My proposition is this. If we did have a Committee of Conference, what we could do is this. There happens to be in the Liquor Commission now a vacant position which runs in the area of about \$20,000, \$18,500 or \$19,500, anyway it is around \$20,000. The beginning of this program could cost around \$40,000 for the biennium.

The proposition is this. I would like to go—have the Committee of Conference that is go to the Conferees on the other side of the aisle and say to them, "In the wrap-up bill, in the Omnibus wrap-up bill, let us strike out this job of Administrator for the Liquor Commission, which was put on originally for purely political

reasons — and I was here when it was done. It has been eliminated now by the Chairman of the Liquor Commission. He is doing the job himself. The job is vacant, the money is staying there, it has not been swallowed by the programming; it could not be swallowed by the programming of June 30 of money that would go into the surplus because the law is there.

We could very easily strike out a few words and put in the \$20,000 that would finance the first year of this program. Everybody knows we are coming back here. I am sure that when we come back here that we can easily find \$20,000 to finish out the second year of the biennium. This does not mean that we would use money to raise the estimates. This does not mean that we would take money out of the Surplus for it.

This here, with the proposition that I am giving you, would be clear-cut, honest, good sound dollars and it has to make sense; and I beseech the leadership to agree with the thinking as proposed by the gentleman from Perham, Mr. Bragdon, and as I have given to you. And I don't necessarily live in the garden spot of Maine, but somewhere along the line things have got to be agreed upon; this is a right program; this is a sound program; this is a building that will house the poor unfortunate who can't be here to speak for themselves.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I support the motion which is before us. I think it would be most unfortunate, as others have said, to have this facility and not have it in operation. I feel that there should be some way that we can find some money perhaps as the gentleman from Lewiston, Mr. Jalbert, has said. Also I am acquainted with the work of Dr. Anderson in the Department of Mental Health and Corrections and I feel that he should have support from us.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: When leadership gets up and speaks negatively on some of these issues that obviously we recognize as having tremendous popular support amongst you, it would seem that we just like to punish ourselves or that we were afflicted with extreme contrariness.

There is more to it than that. The one question that the leadership officers are getting more than any other right now is, when can we get out of here and go home? Now this is a question involving each one of these issues. Now I believe this, that for six months we in this Maine Legislature have applied ourselves conscientiously to the problems that are facing Maine as we can identify them, and that we have practically accomplished what we can accomplish. And that now is the time to go home, that the greatest kindness that we could do the people of the State of Maine is to get off their backs. They have had it and we have had it, at the tune of \$10,000 a day, and I don't think we are going to gain any Brownie points from here on in.

Now how is any one of these bills involved with our adjournment date? Well, so far as we could tell this morning if everything clicked, if everything fell right into place, maybe Friday night. Now I am convinced right now that it is Saturday. Now you raise the question as to why. We have before us the Omnibus Bill. Now let's establish what this is. This is a bill with some 30 odd pages. It has an amendment of some 10 odd pages. Now if we hadn't caused any ripples here this morning and this had sailed right along, it would have gone to printing, probably have gotten in Thursday, tomorrow, for the engrossing process, and maybe by Friday it would have been before us for enactment. Now if no one had ever raised a question we might have cleaned this one bill up by Friday. Now it is tabled. I believe, personally, this will probably carry us over into Saturday.

These other things, it is true, we can do these things, but it is

going to take time. Committees of Conference, changing positions on bills, re-engrossing, all of these things, it is just plugging up the pipeline again. Which is your prerogative to do, but I ask you to be consistent. If you support these actions, please get off our back as to pressing for an early adjournment, because the effect of your actions when you make all these changes is to postpone adjournment. And now I am of the opinion that any substantial changes that you make from this point on will probably take us into next week.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I don't think that any of us are interested in keeping anyone here any longer than we have to be here. There is only one bill that could really create problems in terms of delaying us and it isn't this one. Short bills are not a problem. They can be easily engrossed and there is no problem at all with them.

The one that poses the problem is the Omnibus Bill. If we don't take care of that one, then we could indeed be here until Saturday night. But that's the one that creates the problem, not the others; and not this one or any other that we might have in front of us. Because the others take about ten minutes to engross. The other bills could take as much as five to eight hours.

Now let's not kid ourselves as to where the problems lie.

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

Mr. ROSS: Mr. Speaker and Members of the House: I still find myself in a difficult position in supporting something for Aroostook County, but I certainly do support this, to the fact that I would like the vote it be taken by the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the House insist on its former action and ask for a Committee of Conference. The Chair

will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 99 voted in the affirmative and 18 voted in the negative.

Whereupon, Mr. Ross of Bath requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 Perham, Mr. Bragdon, that the House insist on its former action and ask for a Committee of Conference on An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County, House Paper 636, L. D. 866. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Bedard, Bernier, Berry, G. W.; Berube, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Drigotas, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Good, Goodwin, Hall, Hancock, Hanson, Haskell, Hawkens, Herrick, Hewes, Hodgdon, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Littlefield, Lucas, Lynch, MacLeod, Maddox, Mahany, Manchester, Marstaller, Martin, McCormick, McKinnon, McTeague, Millett, Mills, Morrell, Mosher, Murray, Norris, O'Brien, Orestis, Payson, Pontbriand, Rand, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.;

Tanguay, Theriault, Tyndale, Vincent, Webber, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Barnes, Bartlett, Carter, Churchill, Cummings, Gauthier, Henley, Immonen, Kelley, K. F.; Lincoln, Lund, Marsh, McNally, Page, Porter, Pratt, Scott, Susi, Trask.

ABSENT — Binnette, Birt, Crosby, Curran, Donaghy, Doyle, Dudley, Evans, Gill, Hardy, Hayes, Kelleher, Kelley, R. P.; Lizotte, McCloskey, Parks, Rocheleau, Sheltra, Starbird, Stillings, Whitson.

Yes, 109; No, 19; Absent, 22.

The SPEAKER: One hundred and nine having voted in the affirmative and nineteen in the negative, with twenty-two being absent, the motion does prevail.

Non-Concurrent Matters

An Act to Improve the Efficiency and Fairness of the Local Welfare System (H. P. 741) (L. D. 1003) which was passed to be enacted in the House on May 17 and passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" on May 13.

An Act Appropriating Funds for the Construction of a General Activities Building and Dormitory Building for Female Offenders on Property at Stevens School (H. P. 1327) (L. D. 1741) which was passed to be enacted in the House on June 8 and passed to be engrossed as amended by House Amendment "A" on June 1.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur on the two preceding enactors.

Non-Concurrent Matter

An Act Proposing a Salary Adjustment for Certain Unclassified State Officials (H. P. 1427) (L. D. 1853) which was indefinitely postponed on passage to be enacted in non-concurrence in the House on June 22 and which was passed to be engrossed on June 16.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

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

Mr. LAWRY: Mr. Speaker, I move that we adhere and would speak briefly to my motion.

The SPEAKER: The gentleman from Fairfield, Mr. Lawry, moves that the House adhere.

Mr. LAWRY: Mr. Speaker and Members of the House: I fully realize that once again we have been bamboozled, and I realize that the Governor and the Council have no choice but to raise these people, thanks to previous legislation, which took care of the department heads in the fine print. The only thing I feel is that by killing this bill we can at least express our feeling toward the manner in which our people's hard earned dollars are spent and also to show how very ineffective we, who are elected to serve these people, really are.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen: I would hope that we would adhere on this particular matter. On 1811, the Part II budget, it gives these people similar and equitable treatment by those that are responsible for taking care of their pay increases. This in effect gives them the average of 11 percent that the rest of the employees are going to get, as I read it.

Now if we go increasing these step raises of these department heads, we are talking about 20 to 25 percent increases, and I am as sure as I am standing here that if these step increases are invoked, this is what these people are going to be getting in a very short time. And I for the life of me can't see where it is reasonable, to increase salaries from \$2,500 to \$4,000 per year when we have taken some of the action that we have on other items this year.

I would hope that we can adhere on this matter so that we can make our point clear.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen: I hope you will kind of go along with listening

to me this time, and I will try to go at this at a little different angle. I have told you before that this is not a salary increase bill, this is a wage and salary administration vehicle to handle this proposition. And here are some items that haven't been brought up before in this matter. This is a different approach. For instance, up until the present time the Commissioner of Education has been hired by the Board of Education and his salary set by the Board of Education. We are in hopes that the legislature will take control of this. So we are putting it in here in the place that we feel that it goes in the salary schedule.

We have passed a bill, it has been enacted, doing away with the job of Director of State Parks. We now have a Commissioner of State Parks. He was under the personnel law. Under the new law he has got to be put in this unclassified deal. So we are setting up in the act the fact that the Park Commissioner comes under this.

We have an Executive Director of the Arts and Humanities Commission and a Director of the Museum Commission, both of whom are hired by the Commissions that they work for and their salaries set by their Commissions. Now these people in these Commissions are not responsible to the voters of the State of Maine and the taxpayers. I feel, and the committee felt, and I hope you will feel that these people should be controlled by the legislature. And we have set them in this schedule where they seem to belong, where the relation of their knowledge and abilities and so forth that they have to have.

Another one is your Director of Mining. This has been under an entirely different department, and we have set it up separately now, and so we are asking that this also be put in the unclassified service here. And finally there is a type of thing that we have combined two jobs, and the man actually is on this — this has happened now. We now have a chief boiler inspector and supervising elevator inspector, one man doing the two jobs that were shown here in the previous schedule.

Now this isn't an entirely new bill. This stuff is already in the

statutes and we have tried to bring it up to date and revise it. This is not a salary increase bill. Whoever put the title on this made an error, but for the Lord's sake, let's not compound it by not listening or not thinking about this thing.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I realize I should keep quiet the rest of the day, perhaps the rest of the week. However, I did ask a question in regard to this report out of the State Government Committee as compared with what apparently under law we do in the Part II budget out of another committee. It seems to me that — and I guess I am trying to explain it perhaps rather than ask a question — but it seems to me there is a definite conflict here, inasmuch as in the Part II budget we do give this authority to set all these salaries to the Governor and Council.

Now does the act of this bill — this will be the question, I guess — in passing this bill, do we make it a legislative act that supersedes or takes precedence over the act that is already in the Part II budget? It seems to me this is a question that should well be answered.

In the debate yesterday I think some of us used the argument that if we pass this bill we are pretty near dictating that salaries have got to be set at this point. If we don't pass it, the Governor and Council can use their good judgment, under the wording of the Part II budget within the limitations. I think that the Part II budget sets, I believe, a 10 or 11 per cent increase. So if we are willing to go along and kill this bill, then we may have salaries increased and we may not. But are we dictating to the Governor and Council what is completely contrary to another law which we are passing? This is the question.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, two years ago the Appropriations Committee and the legislature gave state employees \$9 per week salary increases, and

then we went home. We did not pass any salary increase at all for those unclassified employees. After we went home, the Attorney General's office ruled that the \$9 a week had to be given to the unclassified employees, since we had not acted on a scale system.

Now if we act on this scale system today, it is my understanding that the Governor and Council would not necessarily have to give the percentage increase that is provided for in that Part II budget. In other words, what I am saying, as I have been told, that it could be possible to literally save money with the passage of this bill.

The second point that we want to make, I think, is the fact that under existing law, and because of the appropriations bill which increases the deputies which are classified, there are at least three deputies that will, if we do nothing here, even though they will get the regular increase, the deputies will be making more money than the commissioners. One of those that I know of in the back of my mind that I can recall is that the Deputy Commissioner of Education, Mr. Nickerson, will make more money than the Commissioner of Education that we have just hired.

And so I would therefore hope that you would recede and concur.

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

Mr. ROSS: Mr. Speaker and Members of the House: I will grant that the Part II budget says that the Governor and Council shall grant increases. But we in the House indicated yesterday that we do not want to do this, and if we adhere I think that there is a parliamentary way to do this. I hope the House stands fast and votes to adhere.

The argument that there are some deputies who are getting more than the commissioners doesn't bother me in the slightest bit. I know of some businesses where the president of the company gets less money than the people working under him.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I hope somebody corrects me if I am wrong, but it seems to me we have a bill like this every year. The chairman of State Government will explain that this is not an increase; it is merely bracketing the unclassified employees and allowing a ceiling beyond which the Governor and Council shall not go.

It seems to me that in the 103rd such a bill was produced and I believe it was passed. In the 104th I think we turned it down, but I can remember, it seems to me — again I can be corrected because I haven't got the records here — but it seems to me I remember a very golden voice, Mr. Dennett, insisting in the same words — this is not a salary increase; this is merely placing a ceiling. But I think it was debated a couple years ago that regardless of the fact that the previous bill two years earlier had not been a salary increase, nevertheless it had been used. They had boosted it up to the full limit.

Now I do spot several cases here — I will not name specific ones — that have practically doubled in the very brief period of time which I have served in this legislature. Now possibly those jobs should have doubled in price, but I wonder how many of our pay has doubled in price, how many of us back home have doubled their pay in price? How many other state workers have doubled their pay? Now this bill here has given rise to a lot of flak back home. No matter what anybody calls it, no matter what label they put it under, no matter if it does not say it is a pay increase, to the people back home it is a pay increase. And these brackets up in the fifteen to twenty-five thousand dollar bracket is a lot of money to my constituents.

This year of an economy year, I think as my friend over here stated, the first gentleman who spoke on this and voted to adhere, that whether it will really work or not, whether under the Part II budget the Governor can give increases, it still will hold it, I hope, to 11 per cent whereas a lot of

these percentages are up to 20 per cent. We will still be better off if it is left to the Part II budget to give those increases than it is to allow up to 20 per cent.

I do realize that the Committee on State Government has given this a tremendous amount of work and probably they are nearer right than I in their classification. We say these are unclassified; it seems to me they are classifying them here. I don't agree with a lot of their classifications, but that still doesn't make them wrong. I have been proved wrong many times. But I still think that we should turn down this bill and adhere at this time in this legislature and with the other things that we have disapproved and turned down in money matters and kill this once and for all. I do approve of the adhering.

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

Mr. GOOD: Mr. Speaker and Ladies and Gentlemen of the House: As long as the University of Maine employees are working for \$1.60 an hour and as long as other State of Maine employees are working for less than \$75 a week, I will not vote for any pay raise for high-salaried personnel. If we can get the working man up where he can live, then I will help take care of the others.

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

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen of the House: This bill which came out of the State Government Committee, as you well know, doesn't change the procedure in terms of the Governor and Council setting the salaries under these classifications or under these categories listed in the bill. If Mr. Bragdon would turn to the bill 1853 he will notice that the dark print adds some names and changes some names from one place to another but it doesn't change the procedure. The procedure is still the same that the Governor and Council will set these salaries under these limits.

True in the past they have gone to the top limit in many cases

But this is really trying to upgrade this schedule and not give a pay increase per se. We have already done that in the Part II budget. There is some increase that could be given here but I think we have tried to make our department heads and others consistent with things that are going on in other parts of the country and even some of the salaries in the higher brackets from the University of Maine, which we haven't even reached in this schedule. I would hope that you would go along with this bill.

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

Mr. FAUCHER: Mr. Speaker and Ladies and Gentlemen of the House: By voting to adhere this morning all we are telling these people is either shape up or ship out, to stay in the office and stay away from the golf course. And we want less state employees in that cafeteria. We all know what it going on. We didn't come up here on a banana boat. Now let us kill this bill and when the vote is taken I request the yeas and nays.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: They tell us this is not a pay increase, but as long as I have been in this House, and I am a freshman member. I have never received so much lobbying in my life. Why are these people so interested in this if this is a pay cut? I just can't believe it.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: This bill is actually a shopkeeping deal to clear up a few minor problems. The base salary that you are figuring on here has already been passed and you can't figure on that because practically all of these people are getting \$500 over what you have in here for a base salary. They are going to get these raises anyway. In fact if we don't pass this bill some of these people are going to get bigger

raises than this. I think this is a good idea to pass this thing and save us some money.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: We have all been told what is in the Part II budget and what the authority of the Governor and Council will be. On this bill here I move to adhere for the very simple reason that it is the only way we can express as a body what our opinion is. Also Mr. Ross spoke of a parliamentary procedure in regards to our Council. That can be very nicely handled through the delegations from the different counties getting together and instructing their council members how they want them to vote as that is what they go by up there.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to speak very briefly in favor of the pending motion. It seems to me that this Legislature and this House has already voted the Part II budget, it has already voted extensive pay increases for certain members of your state who are working in classified positions. I voted against the Part II budget because I thought there were some wrongs in there that needed to be corrected, but it seems to me that if we vote this bill down today we will be compounding our wrongs by making two.

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

Mr. DAM: Mr. Speaker and Members of the House: I did not intend to speak on this bill until the motion was made to recede and concur and I did not hear that motion, so this is the reason I have been sitting here and keeping still; but since you have stated the motion, it evidently slipped by me ears.

It has been said to you people this morning this is a shopkeeping bill. Well it seems to me that sometimes you put some of these fancy titles on some of the bills in

the hope that they will slip by the people in the Legislature. Well I think one thing did slip by us. I think the Part II budget has slipped by us and maybe we shouldn't have let it go out as fast as we did.

However, I would go along with the suggestions in the Part II budget because what has been stated on the floor is that this would allow a 10% to 11% increase. Well I am opposed to even giving a 10% increase. I could maybe go along with a 5 but a 10 to me is too much. But to see this bill, 1853, when you start with increases of \$2,500 why this is way out of reason. It is actually utterly ridiculous. This bill shouldn't even be before us today.

Then to have somebody stand up and say this doesn't mean an increase, this is an adjustment. Well I would only hope that the workers that are working in the State of Maine, and even those that go out on strike, that it would never be referred to them as asking for an increase, that they would only be asking for an adjustment and maybe this is what was wrong with the legislative pay bill, and I voted against that. Maybe I would have been able to go along with it if it hadn't said it was going to be an increase, that it was going to be an adjustment. And maybe all of these bills coming before us, we should in the future forget this business of increase and we just call them adjustments.

I don't think the people of the State of Maine are so stupid that they would accept this, but it is very possible that we could go out and educate them to become stupid people and vote us all back here so we can vote all of these fat department heads, these fat cats over there, a big raise. I don't go along with this at all. I think they are getting paid enough. And I am sure that if they don't want this job, it was stated here before, that there are plenty of people that would take the job, and we have plenty of people right in the State of Maine today that are more qualified for some of these jobs than the people who are right in here now.

When we can take, as I have said before once, a department head that has shown mismanagement, has shown inefficiency, has overdrafted his account, over expended the money given to him, and then we are going to reward him with a raise. Well I have never heard anything so ridiculous in my life. And I would hope that you would vote to adhere so at least that the direction will go down to the corner office and to the Council that we don't want to go along any more with this business.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: Just in case the gentleman from Skowhegan was under his newspaper, I will make the motion to recede and concur. I can't fathom these people with this killer instinct, because for instance what you are saying is that you would rather have the Arts and Humanities Commission hire a man and pay him an unlimited salary, which they have the right to do under the present law. As a matter of fact I understand that it already was in the works until we started trying to do some of this maneuvering around to get this adjusted; and the pay raise has been withheld until after the Legislature leaves here. Now we have definitely three commissions here who set the pay schedules for these people and they are not limited by the Legislature. So let us please not cut off our noses just to kill this bill. It is ridiculous.

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

Mr. HENLEY: Mr. Speaker and Members of the House: I would like to pose a question to the members of the Committee. Anyone would think that if we did not pass this particular law which is definitely a change in the present law — as I understand it the present ceilings are not repealed. This is merely changing the present ceilings, and I say they have tried to do that every session from the 103rd, which was my first one, right on through. I don't know whether they did it much before

that or not. But as I understand it, if this is not passed we still have the same ceilings that are crossed out on this bill. Now I may be wrong. I would like to be informed. If this is not passed do we still have ceilings on these?

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy, who may answer the question.

Mr. DONAGHY: Mr. Speaker and Members of the House: Like practically every bill that we have before us, if there is any change in the law, if it is present law and you change it the change comes in dark type.

Now on the amount of salary here, that had to be changed to begin with because right now they are getting \$9 a week more, roughly \$500 a year more than that bottom figure. So when you started out for instance on the first page, for the people that are shown as getting \$2100, actually they are getting \$21,500 right now. When the Part II budget goes into effect, some of these people are going to get an increase from the Part II budget, some I think it varies from 9% to 15% and averages about 11½%.

Now if you take the difference between the \$21,500 under item one there you will find that the difference is less than what is set up here, or roughly 11½%. We have rounded it off as close as we could to the 11½% that was anticipated in the Part II budget and did go through on the Part II budget.

Please keep in mind that there are some of these commissions, for instance the Director of the Museum Commission was not in the law last time. We put it in the law because we did not feel in the State Government Committee that any commission that is appointed by the Governor and Council, and as a matter of fact I think that particular commission is simply appointed by the Governor, should be able to hire a man and set a salary of roughly \$20,000 without coming to the legislature and going through the same process as other folks.

Now if you want the Governor to be able to appoint a commission and that commission sets a salary

for this man unlimited, because there is nothing that says that if they want to they can't appoint up to \$50,000, if you want this go ahead and do your adhering. I hope that you will recede and concur.

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

Mr. LAWRY: Mr. Speaker and Members of the House: I want to thank Mr. Donaghy for his explanation. As he knows, I owe him a deep debt of gratitude anyway. But once again I would just like to say that I understand full well what I am going to do when I vote against the present motion to recede and concur. I am just planning to show my dissatisfaction with the way things are done in this state government, and I certainly hope that you will go along with us today, vote against the motion the motion to recede and concur, and then when the motion is made to adhere do so, and kill this bill once and for all.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: It has just recently been suggested to me that these high paid employees can get an adjustment right now, since previously we have passed the chiropractor's bill. Since the motion before us now is to recede, I hope you vote against that motion and I request the yeas and nays.

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

Mr. DAM: Mr. Speaker and Members of the House: Not speaking of the bill at this time but to answer Mr. Donaghy, the very, very, very good gentleman from Lubec, I am not under the newspaper this morning. It was a very good picture that appeared in the paper and when I went under the newspaper yesterday the very, very good gentleman from Lubec, Mr. Donaghy, was speaking. And if each Member of the House would gaze at that paper you will see my hands folded, and I was merely meditating and hoping that the good gentleman from Lubec might see the light on the subject that

he was speaking on because it was in disagreement with my thoughts. I did not want to oppose him, but I merely thought that by getting under the newspaper and really meditating on this that the good gentleman might see the light, and I hope he sees the light this morning.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I think this is a very special day, because I think this is about the first time that the very very good gentleman from Lubec and I have been on the same side of an issue. For one thing, I must say that when he stood up here and said he couldn't understand people with that killer instinct, I think he forgot what he did to my bills all session long.

Mr. Henley of Norway was granted permission to speak a third time.

Mr. HENLEY: Mr. Speaker and Members of the House: I hate to belabor it longer, but there is a question I still must ask of that same committee. We are informed that regardless of this ceiling on these pay scales that two years ago, or — yes, two years ago, that it was ruled that they were authorized an increase beyond this of \$9 a week, and that if we do not pass this bill that they can still authorize any amount that they want to. So I ask you, what is the use of passing such a bill if it does not have the authority of law and actually hold that ceiling down?

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

Mr. STARBIRD: Mr. Speaker and Members of the House: I would like to go further into this question myself, because in the 103rd Legislature I was one of those who helped draw up this bracket pay scale. And this is exactly the reason why we put the phrasing "notwithstanding any other provisions of law, the Governor, with the consent of the Council, is authorized to adjust the salaries of the following state officials and employees to no more . . ." We did not authorize them to give any adjustment raises beyond these figures

as named in the law. That is why we put the words "notwithstanding" in there.

Now I say, because I was on that committee at that time, and I think that others that were on that committee at that time will bear me out, that our intention at that time was that regardless of any pay raises from any source to anyone, that the persons holding the offices listed in this law were not to go above the figures listed in this law. That is why we put the words "notwithstanding." Now if those salaries have gone above those, I say, since I sat on that committee at that time, that whoever put that opinion in, if it was from the Attorney General or from whoever, is violating the law of the State of Maine. Because at that time it was our intention, the intention of that committee and of that Legislature, that they should not go above those figures.

I have thought of this thing since this was mentioned in the debate yesterday, and I will not go for this bill today because I was under a misunderstanding. I will not go for this bill today unless words are specifically written into it specifying that no other law under any consideration, no interpretation of the law, will cause these figures to go above those that are named here. If they can raise them notwithstanding the opinion of the legislature, specifically written into the law, or we thought we had it written into it, what good is it?

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all obviously I am not a lawyer, and whatever I tell you is only what I have been told since I have been out of the House and just came back in. Since the legislature two years ago had not passed this bill — as you remember it was killed, a bill similar to this one had been introduced and that was killed, the Attorney General's office ruled that the pay plan, since nothing had passed after it, therefore was what they were acting under.

Now this time we have passed the Part II budget calling for salary increases. In this occasion we

would be passing this one after, which would make the legal difference as to which was enacted last, therefore having the intent of the legislature. It could therefore—and what I said earlier — prevent actual salary increases if we would pass this thing now. Now I say that, and I then must add, however, lawyers and everyone else have a habit of changing their minds, and I am not going to go out on a limb and say that you know, 100% sure. But this is what I have been informed.

There is one other area that does bother me that has not been mentioned. There is one of the directors, and I believe it is the Museum Commission, that the Commission literally gives \$1,000 a year to regardless; there is no limit as to what he can get. This Legislature has never set a limit on the amount of money that he would be getting. This bill, as I understand it, for the first time would set a maximum. Now the Museum Commission has been very very very generous, and every year they give him an automatic \$1,000. At the rate we are going, if they don't pass this bill, he is going to be making more money than Dr. Schumacher, who of course is the highest state employee.

Now I know that some of you feel that you are getting sandbagged here today, but remember that 1811, which was the Part II budget, did carry the salary increases. This bill does not provide the salary increases. It does take care of some problems, and in view of that it is my firm belief that what lawyers have been telling me this morning, and what I have been told took place two years ago from the Attorney General's office, that I think that we ought to go along with the bill.

Mr. Scott of Wilton moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed

a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now? All in favor will say aye, those opposed will say no.

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

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 Eagle Lake, Mr. Martin, that the House recede and concur on An Act Proposing a Salary Adjustment for Certain Unclassified State Officials, House Paper 1427, L. D. 1853. All in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Bernier, Bither, Bourgoin, Bustin, Clark, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Donaghy, Dow, Drigotas, Farrington, Fraser, Gauthier, Gill, Goodwin, Hancock, Hanson, Hewes, Hodgdon, Immonen, Jalbert, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Kilroy, Lebel, Lee, Lewin, Lincoln, Littlefield, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marstaller, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Murray, Norris, O'Brien, Parks, Payson, Pontbriand, Santoro, Shaw, Slane, Smith, D. M.; Smith, E. H.; Trask, Vincent, Webber, White, Wight.

NAY — Bailey, Barnes, Bartlett, Bedard, Berry, G. W.; Berry, P.; Berube, Boudreau, Bragdon, Brawn, Brown, Bunker, Call,

Carey, Carter, Cote, Curtis, A. P.; Cyr, Dam, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Faucher, Fecteau, Finemore, Gagnon, Genest, Good, Hall, Haskell, Hawkens, Henley, Herrick, Jutras, Kelleher, Keyte, Lawry, Lessard, Lewis, Marsh, McCormick, McNally, Mills, Mosher, Orestis, Page, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Starbird, Susi, Tanguay, Theriault, Tyndale, Wheeler, Wood, M. W.; Woodbury.

ABSENT — Binnette, Birt, Carrier, Churchill, Crosby, Curran, Doyle, Evans, Hardy, Hayes, Lizotte, Porter, Sheltra, Stillings, Whitson, Williams, Wood, M. E.

Yes, 68; No, 65; Absent, 17.

The SPEAKER: Sixty-eight having voted in the affirmative, sixty-five in the negative, with seventeen being absent, the motion does prevail.

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

Mr. Morrell of Brunswick was granted unanimous consent to address the House.

Mr. MORRELL: Mr. Speaker and Members of the House: It is **not my intention to make any motions or anything**, but I would like to draw your attention back to item nine on page three, and **express my personal concern about what has happened to this bill, Comprehensive Child Care Program for Maine. It seems to me we have spent a lot of time in this House expressing concern about low income people. This particular bill would have made it possible for a great many low income mothers to have their children properly taken care of during the day when they might be working. And this in itself might, aside from being quite a humanitarian thing, might have saved us a lot of money.**

I would like to express to you my concern and my regret, that this particular program could not somehow have been funded, particularly in light of the fact that we are funding some which, to many of us, don't seem anywhere near so worthy.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to comment to the remarks that were made by the gentleman from Brunswick. Upon the Appropriations Committee there was a great deal of feeling for this program. However, on May 21 we received a letter from the Commissioner of Health and Welfare, and I will just read it briefly.

He says, "We have filed a federal project proposal with existing funds that can be expected to accomplish the purposes of L. D. 1247, and we have reason to expect that this project will be approved and that it will be properly established. We suggest that there is no necessity for the requested appropriation in 1247."

Non-Concurrent Matter

An Act relating to Amount of Annual Excise Tax on Railroads (S. P. 369) (L. D. 1108) which was passed to be enacted in the House on June 2 and passed to be engrossed as amended by Committee Amendment "A" on May 27.

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

In the House:

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

Mr. ROSS: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House recede and concur.

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

Mr. CYR: Mr. Speaker and Members of the House: I ask for a vote on this, and I would like to bring to your attention — I already made some remarks in regard to this bill here. The first bill that was introduced by the railroad called for an expenditure of \$400,000 a year, or approximately. Then they watered it down to \$118,000 for the first year and \$221,000 for the second year.

Now it comes to us with an amendment from the Senate which

calls for no appropriation this year, and only \$48,000 next year. But if we pass this it means that this Legislature, or this law will be on the books, and it will be incorporated in your Part I budget next year, or next session, which possibly might amount to \$800,000.

Now I know that possibly the railroads are in trouble, or they are having difficulties. However, I don't believe that this is the avenue that they should take, and I will just read you a paragraph in today's paper, in which the attorney for the Bangor & Aroostook Railroad, speaking before the ICC — and I will just read the last paragraph. "Attorney Battle said, 'Financial soundness of the three carriers have been hurt by the lack of dependable service to shippers. As an example,' he said, 'during the past five years the volume of potatoes carried by three lines has dropped from 15,000 carloads annually to 5,000 carloads. The result has been a \$5 million annual loss in gross revenues to the three lines.' Battle blamed poor services exclusively."

I say that the solution to their problem is for them to shape up, for them to give the services that the customer demands. Then the revenues will pick up, and they will be able to meet their obligations.

Also I brought to your attention in previous debate that the reports of all of these railroads in the first quarter shows that they have had quite a substantial increase in revenue. So I say all of the bills, the worthwhile bills that we have killed in this Legislature, and then to accept this one, I think it is going to be hard to explain to the people back home why we do not relieve them of taxes but we relieve the railroads. So I ask you to vote against the motion that is before the House now, and I will make a motion to indefinitely postpone if this one succeeds.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion to recede and concur. The majority of the Taxation Committee listen-

ed to the testimony. I think we are convinced that the railroad did affect the public interests substantially, that they were in trouble, and that this would in a small way aid them.

I would point out to you, as Mr. Cyr did, that the original bill provided for a loss of revenue of \$427,000. It was amended in committee so that the loss was \$118,000. And now this Senate Amendment provides for no loss of revenue in 1971 and reduces the loss in 1972 to \$48,000.

I should also like to remind you that there is built into the law a provision that provides that when the railroad earns 5% percent on its investment the tax would automatically increase, so that I do think there is a safeguard built into the existing statute and I would urge you to vote to recede and concur.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I was going to wait until enactment and move for indefinite postponement, but if we recede and concur this bill will be funded at \$48,000. I hope that you will oppose the motion to recede and concur so that we may adhere, because this bill cannot be funded at the \$356,000 which we now have on it. I think that we should free this \$48,000 to help put toward the residential facility for mentally retarded children in Aroostook County, and I urge you to oppose the motion to recede and concur.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Scott Lamb of Ellsworth must be very happy this morning. He is, as you know, the prime mover to have the people of Maine repeal the Maine state income tax. This Legislature, in imposing a ten million gasoline tax a few days ago this Legislature relieving the railroads, or wanting to relieve the railroads of higher taxes, this House a few minutes ago having receded and con-

curred in giving department heads a substantial pay raise, but has denied small allocations for other human bills, human projects, I cannot but support Mr. Cyr in his motion today to indefinitely postpone the matter at hand.

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

Mr. DAM: Mr. Speaker and Members of the House: The good gentleman from Sanford, Mr. Jutras, just took a lot of my material that I have been jotting down. So I would like to go on record as being highly in agreement with him and the previous speakers in opposing giving this money to the railroads.

I would like to briefly state for the matter of the record that it is my belief, and only by judging from the railroad in my area, that many of the railroad's problems have been brought on by the railroad itself, and then they come in to the Legislature to get money to help them with their problems. I would suggest to the railroads that maybe if they took a little closer look into their operation and the attitude they took toward the shippers using their lines, that their income might increase. I don't think it is right for us to grant any subsidy to any private concern.

Now we had a bill here before us early in the session that had to do with a company over in Orrington to change the sales tax law as it relates to the use of material that is expended in the production of goods, and I see that bill has gone down the drain. I would hope that the people would use the same judgment in this one and that we can send this one along to its grave too today and not give this money to any private concern in the state just to subsidize their business.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: I rise in opposition to this bill being passed and would give you a quick resume of what has occurred in this state with our railroads. You have all read in the papers where they

have wanted to abandon their branch lines. There were seven of these lines involved, one of them included Eastport.

At the testimony before the Federal Commission in Calais, there was testified to the effect—it was established there on cross-examination that what the railroad wants now is simply main lines running through to Bangor and Aroostook, all side branches to be discontinued on freight and passenger service.

It was also brought out at the final conclusion at that hearing in Washington, D.C. that they had operated at a profit even though marginal. I see no point at this time in giving them a tax abatement when they haven't maintained their rolling capital stock and they have increased the salaries of their officials in large amounts.

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

Mr. SMITH: Mr. Speaker and Ladies and Gentlemen of the House: I do not rise today to try to dispel what apparently has been proven, that the railroads are in some sort of trouble, nor to question the judgment of the Taxation Committee. But simply to point out perhaps that not only is it in the best interests of the State of Maine to make sure that we have railroads, but there are other things in the State of Maine that we also ought to consider at the same time.

One of them, the gentleman from Brunswick, Mr. Morrell has pointed out, perhaps we need a comprehensive child care program. I toured the mental hospitals some time ago and we feed our inmates there on 57 cents a day; and now we are going to give tax relief to the railroads, and probably they need it. I rise only to point out that maybe between sessions we should ponder the means by which we arrive at our priorities. Maybe next time we will arrive at a different set of priorities.

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

Mr. DAM: Mr. Speaker and Members of the House: I would like to point out one other thing

that I forgot in my previous presentation. In this bill now they are asking for roughly \$48,000. Well I am sure that if the railroads had taken their lobbyists out of the halls here in Augusta, that they could have saved much more than \$48,000. Because when I see these people walking around, dressed up in real good clothes, far better than the majority of the members of this House could afford including myself, and lobbying these bills, I am sure that they are getting much more in pay than what the \$48,000 is. So if the railroads would save the lobbyists' fees, they wouldn't be here asking for any tax relief today.

THE SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur relative to An Act relating to Amount of Annual Excise Tax on Railroads, Senate Paper 369, L. D. 1108. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House taken.

46 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Goodwin of Bath, the House voted to adhere. (Later Reconsidered)

Messages and Documents

The following Communication:

The Senate of Maine

Augusta, Maine

June 22, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

The Senate today voted to Adhere to its action whereby it indefinitely Postponed, in non-concurrence, Joint Order (H. P. 1429) relative to Legislative Research Committee study policies and programs at University of Maine Complex.

Respectfully,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read.

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

Mr. JALBERT: Mr. Speaker, am I correct in saying that there is no further action that can be done here outside of this going into the files?

The SPEAKER: The Chair would advise the gentleman in the affirmative.

Mr. JALBERT: Mr. Speaker and Members of the House: This order was put in with only one thought in mind and it is to have the Legislative Research Committee try to get the University of Maine hierarchy, the Board of Trustees, and the legislators who would make up the Research Committee, have a closer reprochement with the people of the state. I was told right in the back of this room yesterday by one of the hierarchy in the other branch that I need not fear about this order, I guess I didn't, because I was there when it was knocked down under the hammer.

In any event, I want to serve notice now, because of the fact that certainly in the other branch a great deal of protection is being given to this institution that we give \$53 million to, we can't even find out somehow, after waiting for months, just what the pay scales are, let alone the programs and the policies.

I once made a statement back along that it was my intention, insofar as the University of Maine and its programs and policies, is to steam clean and press them. That statement now that I made, the statement that I made then, now becomes a very mild statement, if I happen to know somebody who is going to wind up on the Research Committee, because as far as I am concerned until the University of Maine agrees to meet with the Research Committee—not once, but just as often as the members of the Research Committee want them to meet, to give information to the legislators so that it can be returned to the people of Maine, I for one will never vote for one single penny of increase for any department. And their argument—and I got another letter today from a 4.3 student who was turned down because there is no room because the legislators did not give them any money.

The statement as made by the

gentleman who wrote that letter was a lie, because we did give them \$53 million. As a matter of fact, at the special session last year we gave them \$500,000 for tuition aid. We had no more than got out through that gate than they went to the Governor and Council and changed and had an order that would use that money for repairs in certain programs. I didn't believe the University of Maine then, I don't believe them now, and as long as I breathe I will be sorry that I ever voted for the monstrosity that I got conned into to put them under one roof.

The president of Gorham retired. They allowed him to stay under the same roof. He is still getting more money, even more money than he got before, just to ride around the state and sell some ideas that no one knows anything about. If you want to find out what happened to the newly elected president of the University at Machias, it will turn your hair red, white and blue.

Now as far as I am concerned, if anybody here has got the idea in their mind that I am upset at the University of Maine, it is a very very mild understatement, because I am going to be around to see some heads chopped off. The assistant to the Chancellor only five or six years ago was making \$8,000 heading the urban renewal program in another area of the state. His salary is now \$26,000. They have hired people. The administration payroll of the University of Maine is over a quarter of a million dollars.

I will give you another example of two years ago. Two years ago on a Tuesday we had the University of Maine budget officers come before the Appropriations Committee. They wanted five more people to make up the payrolls for the teachers' colleges that had now become, of course, part of the program of the University of Maine as the University of Maine is in Portland. They wanted five additional people in their budget. I said nothing that day. That was part one.

The next day the budget for the Education Department here in Augusta was heard. I asked them

where the money was that was wanted now for the five additional people to make up the payrolls at the various teachers' colleges, now part of the University of Maine program. Chester Booth, the finance man of the Department of Education laughed and he said then, he said, "I have a part-time girl that does that with me on a part-time basis once a week." That is what is going on at that monstrosity, among other things.

I was told again this morning by a member of the other branch that I was on a witch-hunt. I deliberately stated I was not on a witch-hunt. I wanted merely to have them come to us and tell us what they are doing. Obviously they have got friends on the other side by the bushful that do not care to do so. And believe me, I have been known to be somewhat tenacious. I am going to get to the bottom of this thing if it is the last thing I ever do. I am extremely sorry that I ever voted for this monstrosity. And as the gentleman from Eastport, Mr. Mills so ably put last week, they are either going to change their thinking or we are going back to the old system, and when we do, we won't have to beg for \$20,000 to finance the mentally retarded program at Orono or beg for \$15,000 to finance another program. We will just get rid of some of this hierarchy by the bushful and we will have plenty of money flying around.

We are giving them \$53 million, and somehow or other we just can't have them meet with us. But they just go along and make their speeches, and then anybody that dares oppose them is an enemy of theirs. Well I have opposed them before and I have done fairly well at the polls. And right now they can put me down as their public enemy number one with pleasure — my pleasure.

Thereupon, the Communication was ordered placed on file.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Members of the House: The gentleman from Lewiston, Mr. Jalburt, has been chairman of the

Legislative Research Committee. I have been chairman of the Legislative Research Committee. We both know that the Research Committee, at their discretion, can institute studies of their own other than those that we refer to them. If perchance the gentleman from Lewiston, Mr. Jalbert, should happen to be appointed to the Research Committee this time, I surely hope that he can convince the rest of that body to study the University of Maine in depth.

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

Mr. CYR: Mr. Speaker, I rise for a parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. CYR: Under item 20 we passed a motion to adhere. Now the House had passed this bill on June 2. Does that mean that our motion to adhere killed the bill?

The SPEAKER: The Chair would advise the gentleman that we are adhering to our former action whereby this Bill "An Act relating to Amount of Annual Excise Tax on Railroads," Senate Paper 369, L. D. 1108 was passed to be engrossed as amended by Committee Amendment "A" on May 27.

Mr. CYR: So in other words we haven't killed it? Mr. Speaker, I now move that we reconsider our action whereby we moved to adhere on this item.

The SPEAKER: The gentleman from Madawaska, Mr. Cyr, moves that the House reconsider its action whereby we adhered.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: If we do make a motion to reconsider in here, we still can't indefinitely postpone this because the only three motions will be, recede and concur, insist and adhere. Am I right?

The SPEAKER: The answer is in the affirmative.

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

Mr. CYR: Mr. Speaker, what is the procedure to kill this thing? I need some help.

The SPEAKER: The Chair would advise the gentleman to recall the statement that the gentleman from Bath, Mrs. Goodwin, made when she made the motion to adhere, and it may give him some information relative to the disposition of this bill.

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

Mr. ROSS: Mr. Speaker, I would remind the gentleman from Madawaska, Mr. Cyr, that if we adhere to our former action, then we are giving the railroads a lot more money than if we recede and concur.

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

Mr. CAREY: Mr. Speaker, I move the reconsideration motion be tabled until later in the morning's session.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the reconsideration motion be tabled until later in the day. The Chair will order a vote. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The pending question is reconsideration.

The Chair recognizes the gentleman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: The reason I moved to adhere is that this bill can never be funded under the money which we have appropriated. I am trying to foul up the works. The motion to indefinitely postpone is not in order. And therefore I would prefer to send it back under adhere, and I hope you will not reconsider.

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. Cyr, that the House reconsider its action whereby the House voted to adhere on An Act relating to Amount of Annual Excise Tax on Railroads, Senate Paper 369, L.

D. 1108. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 12 having voted in the affirmative and 105 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair would ask one of the Pages to escort the gentleman from Lewiston, Mr. Cote, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Cote of Lewiston assumed the Chair as Speaker pro tem and Speaker Kennedy returned to his seat on the Floor of the House.

Orders

Mr. Curtis of Orono presented the following Joint Order and moved its passage:

WHEREAS, a young man and a young woman from each state have been selected by the Commission on Presidential Scholars for academic excellence, leadership activities and potential for future accomplishment; and

WHEREAS, on Monday, June 7, the Honorable Richard M. Nixon, President of the United States, named Miss Catherine E. Turner of Orono and Mr. Charles W. Rissel of Hallowell Presidential Scholars for 1971; and

WHEREAS, Miss Turner and Mr. Rissel have brought great honor and credit to themselves and their state by this national achievement which is worthy of legislative recognition; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the Senate and House of Representatives of the 105th Legislature of the State of Maine extend our warmest regard to Miss Turner and Mr. Rissel for their outstanding scholastic achievement and share the pride of their proud parents in recognizing these two Presidential Scholars representing the State of Maine; and be it further

ORDERED, that duly attested copies of this Joint Order be transmitted forthwith to Miss Turner and Mr. Rissel, their parents and their high school principals, in token of esteem. (H. P. 1439)

The Joint Order was read and passed and sent up for concurrence.

Mr. Dudley of Enfield was granted unanimous consent to address the House.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I was almost emotionally moved this morning when the gentleman from Lewiston admitted publicly that this University of Maine monstrosity that he actually harbored and helped pass in this House was wrong. I said it was wrong when they did it. I said it was wrong down through the years and I say so this morning. I was nearly so emotionally moved that I didn't get to be recognized at that time. And stand so firm on this subject that I for one would like to have this House, before we leave here, accept a bill by unanimous consent, right now, no need of fooling around any longer. We all know and we all recognize that this bunch has got to be dealt with. And I would stay here as long as it takes, and I think we could hustle it through.

I would like to see Mr. Jalbert or someone else, or even I will do it if you will accept it, put a bill in through this body, unanimous consent, to put this back where it should be, back like it was so that we, this Legislature, the people of Maine can once again run the University of Maine as it should be run.

And if you can look at the cost and live near them like I do and see the waste, you couldn't sleep nights. It bothers me. I wish you was there like I was so that it would bother you. And if it would, you people would certainly be coming to me and asking me, let's all get behind this and support this bill by unanimous consent and right now put this back where it belongs. I would just mention that, and I hope someone would do it, and I would like to support it even if it kept us here another day. I think it should be done and done now and not wait for any further research. There is enough research been done, and it has been tried for two years. It isn't working. It is time something was done about it and I say now.

Mr. Kelleher was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker and Members of the House: I too wanted to speak on this order this morning, where it had come back from the Senate and they had practically killed it.

If you remember in my remarks here last Friday, I asked a very simple question, that I often try to understand why do we come down here and who do we generally represent? Are we representing the people of the state or are we trying to represent the department heads and executive people in this government? I am sorry to see that this order had to die the death that it did. I know I am quite concerned with the finances of this University of Maine just like any one of the rest of you are. If you think you and I are concerned, I think you ought to start talking to the people that you represent because they are really concerned. And I come from an area just like Mr. Dudley where the University is, and we have got a lot of high priced paid boys up there and I don't doubt that they are worth every dime they get.

But it seems to me, when we talk about lobbyists and how effective lobbyists are in this House or in the other body or on the third floor, they are just small potatoes in comparison to what we can produce that comes out of Orono and the various campuses around. The lobbyists never bother me; I enjoy talking with them. But boy, when these boys come down from Orono or elsewhere, and like Mr. Dam stated this morning, they dress pretty well and they ought to because they are living pretty high off the hog of the land, and your people and mine are the ones that are paying it.

It does bother me a little bit that we still couldn't have this order passed. I think that we did the people of the State of Maine, I think we did the people at the University an injustice by not allowing an order like this to go into the Research Committee and let those people study it.

If there is anything that needs to be studied it is the University of Maine, and if you don't believe me, you just ask your constituents. Don't ask those birds that come

down here and try to tell us what they want. You just ask the people that you represent, and they will just simply tell you that they would like for once and for all to see where that money is going and how it is being spent, and particularly because it is their dollars. And I am very sorry that this order never did receive passage.

Mr. Silverman of Calais was granted unanimous consent to address the House.

Mr. SILVERMAN: Mr. Speaker and Members of the House: It is a pleasure to commend Representative Louis Jalbert for the presentation he made today. It is about time that the members of this Legislature started to wake up, that we are responsible for taking the taxpayers of this state at a price of \$53 million and seeing how it is spent for higher education.

There are many things that are becoming questionable. We cannot just sit here and buy; we do need to use research and study and find out many questions, one that really has bothered me, why in the past people in higher office at the University are receiving \$2,000 to \$2,500 raises and are in the bracket of \$20,000 to \$25,000 when there are people up there that are doing their work and are at a very low wage, and as you read the press they are now ready and thinking of going on strike.

Why are they hoarding the money amongst the people who are getting the high wages and not giving the money which we are giving to them for the people who earn the low wages? This is poor administration at the University system and the trustees up there are just as responsible because they are allowing it to be done. We are here and we are responsible to represent the taxpayers of this State and we cannot represent them until the University shows us how the money is spent.

To this date we are receiving nothing but a blank notice and we are giving them a blank check, and I request that the study that Mr. Jalbert had asked for does become a reality in the 105th Legislature and if it doesn't I can tell you this. After they have spent

the taxpayers dry with the excuse this is education, these \$25,000 men are going to be well gone, but we here in the State are still going to be paying and our children are going to be paying; and this is not right and we should definitely have a say on how a budget of \$53,000,000 is spent to help educate our young folk for a higher education in the State of Maine.

Mr. Henley of Norway was granted unanimous consent to address the House:

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I have been called anti-education in two or three sessions prior to this one because I have asked for something in the same line as Mr. Jalbert's order has asked for. I approved of the order. I still think that it was reasonable, very reasonable, and there was nothing underhanded about it. I recall in some of the other, either the 103rd or the 104th, I was literally put in my place by several of the graduates of the University of Maine when I stated that we should know more about what the expenditures that they made, and how they spend it.

I tried to use as a weapon the curbing of the purse strings. I said that was the only weapon that we had. I opposed all of the way through the Super U and I still do. I went along with the bill that Gordon Richardson put in in his last session here to rescind or repeal our Super U, but we couldn't get enough support. I still think it is a monstrosity. I do not think that this State of Maine needs it.

And consequently until such time as we can get a little bit more information of where the money goes, and until we can have the University of Maine, whom we support, a little bit more under our control, I shall still continue to oppose it. I have opposed it right along and on a lot of these big expenditures because we did not have enough say as to where the money went. And I again would like to second the other speakers that I feel that we should have put this order through, implemented it and found out a little bit about the University of Maine and its expenditures.

On motion of Mr. Porter of Lincoln, it was

ORDERED, that Mr. Curran of Bangor be excused from attendance for the remainder of the week because of illness.

Mr. Kennedy of Milbridge presented the following Joint Order and moved its passage:

WHEREAS, the citizens of Maine have a vital interest in any development of facilities associated with the transportation, storage and refining of oil and oil products within the boundaries of the State; and

WHEREAS, it is the policy of the State to preserve and enhance its natural environment; and

WHEREAS, one of the major burdens placed upon industrial, governmental and residential consumers in all of the New England states is their dependency upon a sufficient supply of petroleum products at competitive prices; and

WHEREAS, it was estimated, during a recent petroleum shortage, that price increases would cost State Government and the University of Maine nearly a quarter of a million dollars, and that the total cost of price increases to Maine people and industry would reach five million dollars; and

WHEREAS, the unemployment rate for the State of Maine stands at 8.4% and Washington County is an economically depressed area with the highest rate of unemployment in the State; and

WHEREAS, the Canadian Maritime Provinces, particularly New Brunswick, have developed fuel oil facilities which can handle tankers of greater size and capacity than those which can now be handled at Maine ports having petroleum unloading facilities; and

WHEREAS, the development and maintenance of comparable facilities in the Eastport area of Washington County suggests great economic advancement, and satisfaction of a critical need worthy of investigation; and

WHEREAS, it is desirable and in the best interest of the State that the Legislature make an independent study to determine under what conditions, if any, legal, ecological or otherwise, develop-

ment of such facilities would be acceptable and in the best interest of the State; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to conduct an independent detailed survey of the feasibility of developing facilities associated with the transportation, storage and refining of petroleum and petroleum products within the vicinity of Eastport in Washington County and to determine what financial impact, if any, such a development would have upon the economy, home owners, industry and the government of this State and under what terms and conditions, if any, legal, ecological or otherwise, development of such facilities would be acceptable and in the best interest of the State of Maine: and be it further

ORDERED, that the Committee shall report the results of its study at the next special session, or if there be no special session, at the next regular session. (H. P. 1440)

The Joint Order was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker and Ladies and Gentlemen of the House: The order that I have just presented to this body I feel is — well it explains itself in essence. Being unaccustomed to speaking to this body, you know I feel a little bit strange being here in the seat that I have never occupied until this moment.

Hoping that the ecologists in this body are not appalled at this order that I have presented and recognizing their feelings about the sound of dinner pails, I suppose that I should tremble, and I am trembling, because of the position that this may place me in.

But I would point out to you ladies and gentlemen, that this is merely an order to study the feasibility or the practicability of perhaps having an oil deposit down in the Eastport area, the very end of Washington County. I think that perhaps this order was precipitated because of my reading about the situation in South Portland, the situation in Searsport and Sears Island, and knowing of the reper-

cussions that prevailed over these particular areas and the probably resulting consequences.

Having knowledge of my particular county and the tremendous tides in the Eastport area and that there is a sufficient draft of water in that area, very little dredging would be required except off the channel bank into the terminals.

Do not be fearful that because of this order that we are going overnight perhaps to have a refinery or an oil depository in the Eastport area. But I do feel that the Legislature should study the feasibility, to hear the pros and cons of the citizens of the State of Maine and particularly the citizens of Washington County.

I recognize of course the reasons that people are appalled at having a refinery at Sears Island because this is a highly recreational area and beautiful territory. And at Machiasport of course there was tremendous resistance there because it is the fishing grounds of shellfish and ground fish and rather a hazardous position to get a tanker in and out of that particular area. Eastport I don't feel has the problem that other areas of the state would have as to resistance for such a proposal.

I know that there has been a lot of lobbying done against this order. My intelligence couriers have informed me, and they haven't informed me the result of what is going to happen in this body, but I do know that Horace Hildreth, Jr., a lobbyist for the conservationists of the State of Maine has been wearing out his shoes, his legs and his arms and his mind trying to defeat this order before this body.

The only reason I think I am injecting this is because I have heard so many wails and gnashing of teeth against our industrial lobbyists that I had to inject this just for your consideration. This is an order that needs no lobby for nor against; this is merely a looksee, what do the citizens of Maine want? What do the citizens of my county want?

And I say what do they want because there is a refinery very close to the Eastport area, and that is in St. John, New Brunswick. Should

they have an accident in St. John, New Brunswick, the resultant deposits would be all along the coast of Washington County, reaching up probably all the way into Casco Bay, but more particularly in that area. And I feel the reason this should be studied and looked into is because, if we are going to take chances on something happening in St. John, perhaps we should take a look into the Eastport area where there is plenty of water and reap the benefits if there are benefits from such a proposal.

I have been anguishing over this proposed order of studies since January. Representative Jalbert of Lewiston I think prompted me to look into the area of lower Washington County to see if something couldn't be done. As you know, this is a very economically distressed area of the State of Maine, and particularly Eastport. facetiously I have said many times to my colleagues, what is there to pollute in Eastport? There isn't much left, ladies and gentlemen, in those coastal towns of Eastport and Lubec. As we come up along the coast it is perhaps a little better off economically.

So I am asking you ladies and gentlemen if you will give me your assistance in passing this order, and I respectfully request that when the vote is taken on passage or rejection of this order, that it be taken by the yeas and nays.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I have always been opposed to an oil refinery in the State of Maine, but I will admit that perhaps I do not know all of the facts. I may only have heard from the ecology side. I certainly feel that a study is justified, and I move the passage of this order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think that Speaker Kennedy and I have had countless numbers of conversations concerning this order. This will put us in proper perspective. I share his thinking certainly inso-

far as Eastport is concerned, where the water is not deep enough anyway and where it would cost countless millions of dollars to do what could be done more economically in the Eastport area. And I wholeheartedly concur with his remarks. I don't think they could be added to any more appropriately than he has done so, and I congratulate him for presenting this order.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I also concur with the order presented by the gentleman from Milbridge, Mr. Kennedy. He doesn't need my help, I am sure, in passing this, but I do want him to know, and the members of the House, that I feel that if we are going to be aware of both sides of the issue we have to study it and I think this is the proper way to do it. I, like many people in Washington County, have somewhat the same problem that they have because we are on the boundary on the other end and we have much the same problems as the gentleman, and so I am more than happy to support passage of this order.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I know that Mr. Kennedy does not need any support from me to receive the passage of this order. However, I do concur with his thinking, and I do support it without any reservations.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: The order before you came as a surprise to me, and I heartily concur with what the Speaker has said. Let me give you a couple of facts if you have any doubt on the necessity of this study.

The water off of Eastport is 186 feet deep between Campobello and Eastport. We have the depth of water; we have the high-running tides which flush everything right out to the ocean that may be endangered there.

Going up into the Passamaquoddy Bay we have a depth of water 236 feet, all stony bottom. This is all in the engineering survey conducted by the Army engineers. There is no question but what the K. C. Irving, which we have discussed here before on the Floor of this House has already purchased the land in Eastport for a tank station, so that they can bring that oil across and cut into the prices here in the State of Maine.

There is no question but what Eastport is in a very desperate circumstance. I have a letter here in my briefcase which I received from the assessor of Eastport that we have a total fire loss now of \$353,873, if my figures are correct. There is no question but what we have cases of arson operating down in eastern Washington County. This is prevailing not only in Eastport, but in other cities and towns. These are some of the reasons why I have been so active in law enforcement in the whole of the state, to see if we can't upgrade those things.

Now when you come back to the oil refinery being located in Eastport, stop and think of the proposition it will mean. There is no question we have pollution from the St. Croix River clean down to Kendall's Head in Eastport. The Canadian fisheries across the bay want to know if they have any objections to oil being located in Washington County, and they said, "Why, the whole coast is polluted now."

Now when you get into these situations, what is the harm? What are we going to do, and what are the safeguards? We have already enacted the safeguards in our environmental controls. There is no question but what this thing could be handled in a very incredible situation.

Also, ladies and gentlemen, you are adding \$160 million in taxable property which the State needs very badly. I had a labor survey conducted in Eastport, and 20 miles of territory surrounding, which is the labor potential for Eastport factories if we have any left today. There is a total of 33%. You have heard of the figures across the state. Nowhere have I found

that anybody quoted any figures in Washington County. In my area alone it is 33%. Going up through my territory it averages anywhere from 18 to 20. These are figures that are proved.

There is no question that we have got to reverse some of our thinking and start to stand on our own feet and try to help the citizens of Maine.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I am in a rather difficult position on this order. I am scared of oil on the Maine coast, but at the same time I recognize that there are considerable economic benefits to be gained by the location of a major industry on our coastline.

However, I remember that at the very beginning of the session the vote in this body was 127 to 16, if I remember correctly, in favor of an order which, although it had no legal power, no real authority behind it, would put the Legislature on record as opposing the EIC's efforts to locate an oil industry on the coast of Maine.

Now I think that the oil pollution danger is as bad in Eastport as it is in Machias, as it is in Sears Island or it would be in Rockland, Kennebunk, or anywhere else. I am going to vote for this order, because I am not afraid of a study. But I want to go on record, no one else has in this debate, but I want to go on record as being opposed to any indiscriminate development of oil industry along the coast. And I want to say that there are going to be some people in this body that may be very sorry if an oil industry is located, and proper safeguards are not taken, and vast stretches of the coastline are ultimately destroyed by oil.

I am aware of the oil refinery and oil industry located in Canada across the bay, but I cannot buy the line that because there is already one oil industry the danger of pollution will be no greater when there is a second, because obviously we are only going to

We do have the EIC; we do have the legal means on our books to implement necessary safeguards. But I hope that the rush for industry in the Downeast area will not blind us to these dangers that we have fought against all session long, and I think successfully.

Now as I said, I am going to vote for the order. I am not afraid of a study, and I hope that we can find a sensible way to locate a high paying industry such as the oil industry Downeast. Oil scares me. I hope we can work something out. But I do this with a warning; we may be sorry.

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen: I probably know the coast of Maine better than any person in this room. I made my first trip down it in 1913. I love it better than anybody does, I am sure. I also have a hobby of being interested in ducks, and ducks and oil don't mix well. But I support this order; I think it is a very desirable thing.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: To answer the gentleman Mr. Emery, perhaps he hasn't told you that there are 43 tank stations along the coast of Maine; that we in Eastport have the barge coming from St. John going up to St. Stephen, a million gallons a day. Now any one of these things can occur up there in the St. Croix River and cause this oil spillage. It hasn't occurred, and this has been going on for years.

There also is a tanker comes in and ties at the Eastport pier, goes up in the back bay, and Cobscook Bay up to Pembroke, to the Mobil oil up there. I could go on and cite you all these tank stations that have been in existence for over 30 years along the coast of Maine. We never had any oil spillage or any scare until we got into this environmental deal.

The SPEAKER pro tem: The yeas and nays have been re-

quested. 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 having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The pending question is the passage of Joint Order 1440 as presented by the gentleman from Milbridge, Mr. Kennedy. All in favor of its passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berrube, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cottrell, Crosby, Cummings, Curtis, A. P.; Dam, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Gauthier, Genest, Good, Hall, Hancock, Haskell, Hawkens, Henley, Herrick, Hewes, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewis, Lincoln, Littlefield, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Martin, McCloskey, McCormick, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Mosher, Murray, Norris, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Susi, Theriault, Trask, Webber, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Smith, E. H.; Vincent.

ABSENT — Bernier, Binnette, Cooney, Curran, Curtis, T. S., Jr.; Cyr, Donaghy, Doyle, Gill, Goodwin, Hanson, Hardy, Hayes, Hodgdon, Lewin, Lizotte, Marstaller, Sheltra, Starbird, Stillings, Tanguay, Tyndale, Whitson.

Yes, 124; No, 2; Absent, 23.

The SPEAKER pro tem: One hundred twenty-four having voted in the affirmative, two in the negative, with twenty-three being absent, the Joint Order receives passage.

Sent up for concurrence.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, I would inquire if the House is in possession of House Paper 194, L. D. 332.

The SPEAKER pro tem: The answer is in the affirmative, Bill "An Act Providing for a Full-time County Attorney for Cumberland County," House Paper 194, L. D. 332 which was indefinitely postponed yesterday.

Mr. CROSBY: Mr. Speaker, I now move that we reconsider our action whereby this bill was indefinitely postponed.

The SPEAKER pro tem: The gentleman from Kennebunk, Mr. Crosby, moves that we reconsider our action whereby this Bill was indefinitely postponed.

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

Mr. HEWES: Mr. Speaker, Members of the House: I hope you will vote in favor of reconsideration. The other bill that we discussed yesterday, the Full-time County Attorneys bill, is still between the two houses, but there are some questions about that bill. Number one, as to the method of selecting the county attorneys, or district attorneys; whether they are selected by the Governor or by the Attorney General, or elected is a problem. What area they will serve; whether they will serve just counties or whether they will serve districts encompassing more than one county or part of a county is another question; and length of term is a third one.

In this bill before us now, L. D. 332 that we are reconsidering, the term of the county attorney remains at two years. It becomes effective at the end of this particular term, which would be January 1, 1973. I submit that if we were to consider this bill at a special

session next year, presumably the session would end in February and wouldn't become effective until 90 days thereafter; and as you know, filing papers have to be filed with the Secretary of State's office — I should say certain papers have to be filed with the Secretary of State's office I believe by March. I don't believe that a special session could correct this unless there was an emergency bill. I don't see that we will be getting emergency passage. So I would hope that now, today, you will vote to reconsider L. D. 332 so that we can then pass it and have it go through legislative processes right here.

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: I hope for the reasons expressed by the gentleman from Kennebunk, Mr. Crosby, and the gentleman from Cape Elizabeth, Mr. Hewes, that you will vote today to reconsider the matter. I think Mr. Hewes has stated it well; that in addition to the difficulties in getting an emergency vote through in a special session on something like this, if we passed it at the special session, probably next January, without an emergency on it, it would be very difficult to take care of the prior steps that must be taken in order to qualify and get on the ballot. And it certainly would not leave the type candidate that we would be interested in holding this very important office very much time to do it. So I hope you will vote in favor of the motion for reconsideration.

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

Mr. JALBERT: Mr. Speaker, Members of the House: The last speakers have both in speaking for reconsideration given us reasons why we should vote against reconsideration. The first gentleman from Cape Elizabeth, Mr. Hewes, for whom I have a tremendous amount of respect, makes a statement that it would be hard or almost impossible to get emergency legislation by at a special session, and the gentleman from Brunswick, for whom I have an equal

amount of respect, followed it up by making the same statement.

If both gentlemen will look at the record of the last 20 years they will find that 90% plus of legislation that has passed at special sessions are passed as emergency measures. Now if this bill is given a proper, sound, honest study, so that all of the counties can get under the umbrella, there will be no problem at all of emergency. It will pass like education measures used to pass years ago, and in some areas like ecology measures have had a knack of passing at this session.

I don't want to tell tales out of school of what is told to me behind the window, but I have got to. There has got to be some levity to everything. I pointblank asked the good gentleman from Brunswick, Mr. McTeague, yesterday afternoon, who is a good attorney, "Would you take this job now at \$17,500?" And he smiled and said, "No." I haven't found a lawyer in either branch who is a member of the legislature who has said anything to the opposite. I have had them say, you know "ten years ago when I started out that was a different story." Ten years ago when they started out they weren't worth \$17,000. They know that. They were hounding the courtrooms like a good lawyer should do, and they were waiting around for the good judge to turn around and pick them and make themselves appointed lawyers like should be done. That is how they got their start.

This kind of situation is bad, because it was plunged into politics for four long years. It never had a chance of a proper study. I have been told, "What do you care, it doesn't involve your county?" It is spreading. It spread from one county to another to another, and the next thing you know it will hit my county. I know that I want no part of it until such time as it has been given a clear airing, a clear research study so that we can arrive at a proper program with a proper measure. I certainly hope that the motion to reconsider will very definitely not prevail.

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

Mr. ORESTIS: Mr. Speaker and Ladies and Gentlemen of the House: I don't think any of us are under any illusion that the full-time court attorney bill which is in a Committee of Conference will come out in any form that we can adopt at this session. However, I think that we all recognize that the problem has been brought forth and it has been emphasized by the crime rate and the backlog of cases in the more populous counties.

Now I think that a well thought out bill in a special session has a good chance of passing and with an emergency provision. The bill that we have before us today on a reconsideration motion is swiftly taking the form of a bill that we defeated by a vote of 90-plus to 9 just a week ago. Now I have spoken in favor of—I didn't speak in favor but I voted in favor of that bill a week ago because I thought that there was no way that we could come up with a system, and that this Legislature was against a system of full-time county attorneys.

However, I can see that the sentiment of this House and the Senate is that we do need a full-time county attorney system. This is not the solution. It is piecemeal legislation. It is legislation that can wait because it has effective dates of 1973 on it anyway, and it is something that we should not reconsider this late in the session.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: My good friend, the gentleman from Lewiston, Mr. Orestis, and I wish I had the confidence to say today that you may be in a 9 to 90 situation; however, I suspect that you are not. To my very good friend the gentleman from Lewiston, Mr. Jalbert, I would say that, Mr. Jalbert, as you know, under the Maine Constitution it would be improper for any member of the Legislature, as I understand it, to take a job created by the Legislature. Like you, I would not wish

to do anything in violation of the Constitution.

But more seriously, ladies and gentlemen, I think that although the problems do exist about the state, it is interesting to me that the gentleman from Kennebec, Mr. Crosby, from York County, which has a very serious problem in this regard, they are trying to deal with it but they have an extremely serious one; and so do we in Cumberland County. I recognize that other counties, for example Penobscot, Androscoggin and some of the other more populous counties also have a difficult problem.

But what has really influenced me in favor of this bill is the opinion of a man whose opinion I value most highly. And that is Mr. Joe Brennan, the current County Attorney in Cumberland County, who is doing an outstanding job, but who very probably whether it is full time or part time will not remain in the job for another term.

The problem basically is that it is impossible to do the job adequately, no matter how good you are or how hard you work, in Cumberland County on a part-time basis. We can pass all the laws we want about increasing sentences and penalties and mandatory penalties, but unless your prosecutor is as well prepared as your defense counsel you are going to lose cases that should be won.

For this reason and because I value the opinion of Mr. Brennan so highly, I would ask that you give consideration to voting in favor of the motion for reconsideration.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: Initially I was against this bill when Cumberland County was the only county included, as I realized at that time that we had really bad serious problems in York County. And contrary to what Mr. Ross said yesterday, there is no intent to include all sixteen counties. I think that the interest is in the six most populous counties in the state that have serious problems.

To substantiate my thought that we have serious problems in York County, I left this House about an hour ago and called the Superior Court Justice down in York County, Judge Alton Lessard, and wanted him to substantiate my thoughts and give me some evidence that we actually need a full-time county attorney in York and also probably in five other counties.

In the County of York — and incidentally Judge Lessard and Judge Tom Delahanty have been sitting together since May 3 down there. They have 165 criminal appeals, 85 felony indictments, and the jury has been on call since May 3. These two judges are attempting to work out these problems with one assistant county attorney. My question on the phone to Judge Lessard was, "Why don't you get the county attorney in with the other assistant?" And his answer was, the salary is so poor, \$8,000 a year for a county attorney, that he just could not compel them to come in when they had to earn sufficient funds in their private law practice to sustain their families.

He went on to say further that they have pending in the York Superior Court five more bank robbers — and incidentally the last trial of a bank robber in York County lasted a full week. The most compelling evidence he gave me, though, was this. All of the county attorneys in York, that is the county attorney and his two assistants, had last year a total salary of \$19,000. Now listen to this, this is very interesting. The County of York paid out \$26,000 to private counselors to try cases by indigent criminals.

So let's look at these figures. \$26,000 going to private attorneys to try indigent cases and only \$19,000 going to the county's prosecuting attorneys. It is just a ridiculous situation.

Now Mr. Jalbert, the honorable Jalbert from Lewiston, calls this a piecemeal action. I asked Justice Lessard what he thought of this. He said it might be piecemeal, but we have got to move now, we have got a serious condition. I urge your reconsideration.

The SPEAKER pro tem: The

Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the reconsideration motion. I voted the other day to kill the original bill that was in here and I did it with some reluctance. Usually when I see Penobscot County in on anything I kind of like to think that if we as a delegation generally sit down and we discuss over what is good for the county, and in this particular case we didn't happen to, but a few days later we had a caucus and we are very reasonable in Penobscot County, and we sat down and we discussed it.

Some one of our delegation got hold of Mr. Cox and we have a very bad problem up there; we are aware of it, just like we are aware of the other counties. And if this is a piecemeal piece of legislation that is quite all right with me, just as long as we as a delegation agree to support our county and put it into it.

I dislike seeing pieces of legislation where my county is in it, and perhaps representatives weren't consulted about being part of it. But we did agree and we do agree now I think to a great majority that we are willing to support putting our county into this bill and if you people want to tag along and come along with us we would welcome you very much, and if you don't want to that's quite all right too.

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

Mr. LUND: Mr. Speaker and Members of the House: Those of us who are going to vote against reconsideration are not doing so because of their lack of concern for the backlog of cases or a lack of concern for the problem that we have in every county. And the problem is not just one of crowding; it is a problem of pitting part-time people against people that are being paid with far more generous resources who are defending people charged with crime.

But I would suggest to you that this approach to the problem is a bad idea. It was a bad idea last Friday when we defeated it by

over 90 votes; it was a bad idea yesterday, and it is still a bad idea. I think one of the basic issues that this Legislature must consider is whether the electoral process is the proper way, is the best way to pick the best trial people to serve the State in these criminal cases.

Now we are in a different situation than the big metropolitan areas where you elect a district attorney and he doesn't have to be a trial lawyer because he can have a dozen people working for him; he can be an administrator. The need here is for good trial attorneys. I would suggest to you that we should consider if there is a better way of getting this than having people run for popular election.

And therefore I would hope that you would stick with the vote and vote against reconsideration.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Like the gentleman from Old Orchard Beach, Mr. Farrington, I have had countless conversations with the honorable Judge from my own area originally and a former colleague of mine, Judge Alton Lesard. I am not concerning myself with the load that there is as far as cases are concerned. I am concerning myself with efficiency. I am concerning myself with low priced people and I would just say that the county attorney even from Representative Kelleher's area is worth a great deal more, a great deal more, because I happen to know the type of attorney he is, than what this bill would give him. As well as possibly some other counties.

I would just say, and I concur wholeheartedly with the gentleman from Augusta, Mr. Lund, who has spent a tremendous amount of time on this thing, that we haven't got a good vehicle. Let us study this program. We do have time, as the gentleman from Lewiston, Mr. Orestis, says, to really study this thing and come up with a program that will be a state-wide program. You do this thing on a piecemeal basis, you're just doing the wrong thing.

It isn't anything personal certainly against the gentleman from Cape Elizabeth, Mr. Hewes, it isn't anything from the gentleman from Brunswick, Mr. McTeague. This is just wrong. What is 90 to 9 on last Friday, and what was overwhelmingly defeated yesterday, certainly doesn't make a right today. And I beseech you to do the thing that should be done and do it properly. Do not reconsider, so that we can finally have a good bill before us here and we can finally pass without having to wrangle the way we have about it for the last five years.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I rise in support of the motion for reconsideration. Two years ago and even four years ago, if this bill would have come up for full-time county attorney in Cumberland County I would have spoken against and I would have voted against such a bill. But I think that because of the situation that we have some people in the office that I imagine that they had the abilities but somehow or other they were diverted outside of their job. But I do agree that recently in the last election we have chosen a man that has done a tremendous job in Cumberland County and I think that we can get that type of individual or other types of individuals that will show great concern for the people of this state and give us good service in Cumberland County.

Now I want to state to you here that the last time that we voted on this I did not speak on it, but I want to correct one statement. The statement was made that apparently that this bill had been presented after the other bill was presented to get a thing in to take care of Cumberland County. For your own information I want to state today that this particular bill, Mr. Hewes bill, on the Cumberland County full-time county attorney, was actually presented in January when the other one was presented in February. So actually this was not put in as a retaliation measure; this was actu-

ally a measure put in in good faith.

Now there are many things said here about something being proper and sound procedures and all this stuff. Well I submit to you and I am willing to accept this, that the ones that are not affected by this, I would say the ones that their own communities are not under this, that they should vote against this if they don't like it. This is their privilege. But I submit to you that those are from the small counties; that in the bigger counties we do need this and we need it very badly, and in Cumberland County.

Now it has also been said that certain lawyers were asked if they would take a job for our \$17,500 or \$18,000. I submit to you that they probably won't. But I submit to you also that there are many lawyers in this state, including Cumberland County, that they should take their job at \$18,000 in order to provide sufficiently for their families. Now this idea, this is just an image created that you would think that all the lawyers in this State of Maine are making in the average of 25 to \$30,000 and up. And this is not true, because I happen to know what they make, some of them. Some of them for their best interests it would be a great stepping stone for them to take this job at \$18,000 and they would go on with their ability and get better jobs later on.

I just submit that we need something badly in Cumberland County. We have had this bill presented. We have had amendments put on. We are gradually getting to the point where it will be in the same style as the other bill that is in the Committee of Conference, The difference will be that it will be elective. This is where I probably like to see it, being elective. I think that they give you better service for your money, and I hope that you do support the motion for reconsideration.

Mr. Ross of Bath moved the previous question.

At this point, Speaker Kennedy returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman from Lewis-

ton, Mr. Cote, for assisting the Speaker when he was in a trying moment.

Thereupon, the Sergeant-at-Arms escorted Mr. Cote to his seat on the floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. All in favor of the main question being put now will say aye; those opposed will say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. Crosby, that the House reconsider its action of yesterday whereby Bill "An Act Providing for a Full-time County Attorney for Cumberland County," House Paper 194, L. D. 332, was indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 79 having voted in the affirmative and 38 having voted in the negative, the motion did prevail.

The SPEAKER: The question now before the House is indefinite postponement. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 34 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

Mr. Parks of Presque Isle offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-504) was read by the Clerk.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I don't know what induced this amendment to be posted because we have a very fine county attorney and assistant county attorney in Aroostook County. Our courts are run very well. Even our District Courts and our Supreme Court are run very good, we have no exceptions at all.

I have talked with the county attorney up there, and I doubt very much if he would be in favor of it because he says that he doesn't want a full-time job. He wants a job that he can act upon and have his own personal practice. I think that one of them is in Caribou. He is available at Caribou; that is the county attorney. And we have another in Houlton which is the assistant county attorney. That gives us our county pretty well covered with little expense for travel. And I do not believe that we want—with this in mind, we do not want to cost the State more money at this time, and with this in mind I move for indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that House Amendment "C" be indefinitely postponed.

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

Mr. COLLINS: Mr. Speaker and Members of the House: I hate to disagree with my good friend, Mr. Finemore, but I think perhaps we do need more assistance in our prosecuting attorneys in Aroostook County. I happened to be an observer in court recently, and unfortunately the county attorney was not there and the case was conducted by the arresting officer, and unfortunately he was defeated because of a legal technicality that the defense attorney brought to the attention of the judge.

I would also point out that the size of the county is approximately a hundred miles from one end to the other and that we are not covered as well as my good friend Mr. Finemore suggests. So I would sup-

port the amendment to provide for a full-time county attorney.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Parks.

Mr. PARKS: Mr. Speaker, Ladies and Gentlemen: I will not go along with my colleague, Mr. Finemore from Bridgewater. We have a District Court in Presque Isle, we have one in Caribou, I believe one up on the river. As Representative Collins has told you, it is a little over a hundred miles from one end of the county to the other. Very often our police officers in the District Court in Presque Isle and Caribou have to prosecute their own cases, due to the lack of a county attorney, or the assistant county attorney can't come up because quite often they are having court the same day.

I was talking with our county attorney last week out here in the corridor, and he told me that Aroostook County was in dire need of a full-time county attorney, that it could be used to very good advantage. So I will definitely oppose the motion to indefinitely postpone.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: It isn't very often I disagree with these two gentlemen, but they are not giving you a true picture. Our county instead of being a hundred miles long is almost two hundred miles long. But our District Courts are in Houlton, Presque Isle, Caribou, I believe Madawaska and Fort Kent, and they have these courts on different days. I don't think there is a bit of need in our county for this; in fact I know there is no need. And as far as the lawyers having their own cases in court, that is up to the judge. The judge can arrange so that they can be there, so that the county attorney or the assistant county attorney can be there. I disagree with them very much. I can't understand why at this time they are trying to force this down in Aroostook County, when I don't think it is the feeling of Aroostook County to buy this. I think they are very unfair. I hope you will go along with the

indefinite postponement of this amendment.

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

Mr. MARTIN: Mr. Speaker and Members of the House: My friends from central Aroostook have a problem with the courts I guess. There are District Courts in Aroostook County in the following communities: Houlton, Presque Isle, Caribou, Fort Kent, Madawaska and Van Buren. Now the county attorney, because he is part time, simply doesn't make it to northern Aroostook County very often, and I have seen the cases that have been prosecuted there, and my gosh, they need help. The State is losing the cases all the time. The criminals are going as free as they wish.

Now the gentleman from Bridgewater may disagree with that, but I would invite him up to the St. John Valley and I am sure that he would agree with what I am saying.

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

Mr. BITHER: Mr. Speaker and Members of the House: I can't understand Mr. Collins for not knowing some of the facts because the county attorney in Aroostook County is from his Town of Caribou.

Now the county attorney in Aroostook has been very unhappy about his salary. He wanted more salary because it did require so much more time. There is a lot of work to do and he can't do it all alone, so he wanted more salary, and this I know because he was down here last week and I talked with him and I saw some others that talked with him, and I hope I am not telling stories out of school, but this is what happened.

He wanted more salary, which they couldn't seem to give him, but they did arrange, they arranged to give him another assistant for the valley and that is the plan right now. I am sure the plan that I heard was that the Governor and Council was going to take money out of the Surplus and get him another assistant, and he left for Caribou very happy about the

whole thing, and that is what he wants.

Now I personally doubt if he takes this job at seventeen or eighteen thousand dollars. I agree with Mr. Finemore wholeheartedly.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that House Amendment "C" be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Members of the House: I would like to explain to the House exactly what we have done on item 20, page 5. An Act relating to Amount of Annual Excise Tax on Railroads, Senate Paper 369, L. D. 1108. I made a motion that we recede and concur with the Senate. This lost 46 to 65. The House then adhered. This would give the railroads \$400,000 rather than \$48,000 in the second year only, which the recede motion would do.

The motion was made to reconsider, and that lost. Our only hope now is for somebody to suspend the rules so that we can reconsider again and then table that reconsideration motion until later in the afternoon session.

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

Mr. JALBERT: Mr. Speaker, I now move that the rules be suspended for the purpose of reconsidering our action whereby we voted to adhere to our former action.

The SPEAKER: The gentleman

from Lewiston, Mr. Jalbert, moves that the rules be suspended. The Chair will explain the reason for the rules being suspended. We have already reconsidered adhering at one time. The Chair 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.

96 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby we adhered on this item.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the House reconsider its action whereby the House voted to adhere.

Whereupon, on motion of Mr. Ross of Bath, tabled pending the motion of Mr. Jalbert of Lewiston to reconsider and later today assigned.

On the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for Full-time County Attorneys in Certain Counties and Four-Year Terms for all County Attorneys" (S. P. 657) (L. D. 1845) the Speaker appointed the following Conferees on the part of the House.

Messrs. LUND of Augusta
CURTIS of Orono
HENLEY of Norway

(Off Record Remarks)

On motion of Mr. Porter of Lincoln,

Recessed until two-thirty o'clock in the afternoon.

After Recess
2:30 P.M.

The House was called to order by the Speaker.

House Report of Committee
Ought to Pass in New Draft
New Draft Printed
Passed to Be Engrossed

Mr. Bragdon from the Commit-

tee on Appropriations and Financial Affairs, acting in accordance with Joint Order (H. P. 1369), reported a Bill (H. P. 1437) (L. D. 1861) under title of "An Act Appropriating Funds to the Department of Health and Welfare" and that it "Ought to pass"

Report was read and accepted and the New Draft read twice. Under suspension of the rules, was read the third time, passed to be engrossed and sent to the Senate.

Enactor

Indefinitely Postponed

An Act Establishing a Human Rights Commission (H. P. 507) (L. D. 659)

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

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: It seemed appropriate at this time with this bill back in the enacting stage, the fact that we have sat here all session and passed some very fine labor bills, judicial bills, and some very good housing bills, that with the reorganization in mind and the fact that we are trying to consolidate many of the departments that now exist in the bureaucracy here in Augusta, the fact that we have been told by the Research Committee that there are over 200 bureaus now existing in this scene, that this little item might go along and be killed at this time.

There is to my knowledge around \$62,000 appropriation over the biennium that goes with this Commission, and seven people involved, as well as office space as needed. Therefore, at this time I would move indefinite postponement of this bill and all accompanying papers.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the indefinite postponement motion. I know that there are some

people in this House who feel that we have gone far enough in human rights. In 1965 I had the honor to co-sponsor the Fair Housing Law. It was mentioned on the Floor of the House the day before yesterday that this was not working properly. In my opinion this statement is wrong. Nevertheless, like most new pieces of legislation, it is far from perfect.

This bill corrects some of these inequities. They will be handled by a Human Rights Commission. And aside from setting up the Commission, it points out the areas of concern in fair employment, fair housing, public accommodations, and it tells the civil action which can be taken by the aggrieved persons. I think that this is a bill which is fair for all of the citizens of the State of Maine and I strongly oppose the motion to indefinitely postpone.

When the vote is taken I request it be taken by the yeas and the nays.

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

Mr. CALL: Mr. Speaker and Members of the House: Unfortunately we are confronted here with an expression which does just what it is intended to do — deceive. I am referring to the term human rights. Just as unfortunately, too many people are being victimized by the high sounding phrase.

We all shall grant that there is always a certain amount of discrimination prevalent. But what I deplore is the unfair advantage people take of an existing situation, and use it to promote their treacherous motives. This bill is vicious; it is worse than that. The proponents' testimony before the State Government Committee was not realistic. It was obvious that the speakers had been solicited and their statements rehearsed.

In this House we have heard supporters of the bill tell how many proponents it had at the hearing. I can assure you people that had you been at that hearing you would have discounted most of the testimony furnished by the

proponents. Much of it was forced.

The gentleman from Lubec, Mr. Donaghy, told you previously of the name one proponent said he had been called outside this building just before the hearing. The man repeated it several times, obviously for effect. I can assure you that that particular name is highly complimentary compared to some of the names I have been called over the years.

Did you ever stop to think that the charge of discrimination can be carried to any length? If my good friend from Brunswick, Mr. McTeague, should want to borrow my shotgun, and I refused to loan it to him, if this bill becomes law what is to keep him from running to the Human Rights Commission to tell them what a scoundrel I am because I would not let him borrow my shotgun?

Legislation such as is proposed in this bill would have a tendency to cause people to suspect a person automatically of some wrongdoing on the strength alone that he is an employer or a landlord. For people to urge other people to be antagonistic toward certain persons without reason certainly isn't my idea of "living in a house by the side of the road and being a friend to man."

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: I will attempt to be as short as Mr. MacLeod and Mr. Call were, and hopefully perhaps even improve on that.

I regret for two reasons that this had to be brought out again today. Number one, I would like to see it passed, and I admit that is my primary reason. And of course every time you vote on something there is always some chance it might go down. And number two, because I think the thing has been fully and fairly and completely debated on at least two occasions on the Floor of this House.

I would like to mention a few of the things to try to answer shortly, not all of them, but a few of the comments made by the prior speakers. Number one, Mr.

MacLeod thinks it appropriate at this time; that is obviously a matter of opinion and judgment.

Number two, he talks about a figure and I don't recall the exact thing — I think something like \$60,000 or \$70,000. If you look at Senate Amendment "A" which is on the bill under filing number S-300, you will see the appropriation is \$30,917. Another thing, Mr. MacLeod has suddenly become a great advocate of governmental reorganization. I have shown some interest in this too, as has Mr. Ross and several of the other proponents of the measure, and I am confident we can place this in the appropriate agency at the special session. That is an argument that hasn't been raised before; and I suggest to you possibly the argument is not raised out of concern for governmental reorganization, but rather out of opposition to the bill.

It bothers me a little bit and might shake me up, or even bring out the ire or perhaps the Irish in me, is the comments which I know were made in the best of good faith and in a polite manner by my good friend, the gentleman from Lewiston, Mr. Call. If there is deceit in this, then I am attempting to be a deceiver. If I have treacherous motives, I ask you to judge me on them. If I am vicious, I suspect I have some enemies made by my viciousness in this House.

I ask you to remember that the committee report was 11 to 2. I ask you to remember that the sponsorship originally of this bill, and the support in committee and on the floor has been truly bipartisan, and I must add, certainly, so has the opposition. I ask you to keep in mind that we all look forward to the day when being an American in Maine it means very very little where your grandfather came from or where you go to church or what type of suntan you have on your skin. But each of us is judged as one man, whether we live on the side of the road or a ways back from the road, that we all be judged as one individual. I would also ask and hope that whatever the result is today that it be final and we not bother

the House again with this particular matter.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the two that signed the "Ought not to Pass" Report. I have told you before that at the hearing there were only three people who were directly involved in this that testified. The problems they outlined to us would not be solved by the present bill. And if you talk about lobbying on conservation and this sort of thing, and ecology, attempted arm twisting, all the rest of it, and of course the real ringer—and I am sure that most of you people have been talked to about it, the same thing, "Well, let it go through, it will die on the Appropriations table."

Well now the time has come to stand up and be counted or die of your own guilt complex, because this bill will do nothing but provide an escape valve for people to talk. It doesn't really do anything except spend some of the taxpayers' money and set up another commission that will grow.

If the time ever comes when there is a real apparent need, I promise that if I am around I will be in the forefront of working for it. But at this time there was no good reason shown at that hearing why we should have this Human Rights Commission.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I would rather spend another day in this House than to see this bill passed. And the reason for it is that it is just no good, as I have said before. Now this bill for many reasons — and I will refer to the bill — if any of you have — I am sure that some of you have read this bill. This is a 14-page affair. In other words, I think the concept is, the bigger you make it, the less apt that some people will read it. But I will refer you to some of the vicious things about this bill.

I start off with on page number

five, which it says that the law enforcement officers and the prosecution officers and the judges of this state shall be privileged from compulsory testimony or production of documents from the Commission. Now I suggest to you that I am sure that you can digest this. But the thing is that why should they be privileged in not having to subject themselves to their actions, where you — assuming that you are a defendant — you have to produce it under order of the court.

Now I think this is one of the first things which is totally wrong about this stuff. And then also on page five it says that the Commission may appoint by itself, by itself, and empower agencies to actually get into finding out what is and if there is anything wrong with this particular human rights situation here in this Maine; and make recommendations for future legislation. Well, I submit to you that we don't need nobody to make recommendations as to what the conditions are in the State of Maine.

I know who my neighbors are. They know who I am. If they don't want me to be around, they don't want to be around me, I suggest to them that they don't have to be, and that is their privilege. And I also submit to you that if my behavior does not deserve their consideration of me, this is their privilege. And if they want to go to a certain church, that is their privilege, and if they want to associate with certain people, that is their privilege. And it is not up to me to tell them by this kind of law or otherwise as to what they will do and what they will not do.

Now on this particular section under the present bill, naturally I am interested in the part of the fair housing. Well, you have never seen anything so deceitful as calling this subsection 'fair housing'. This is not so at all. In the first place it says in there that it would be unlawful for anyone to inquire or to receive any written or make any oral inquiries about the race, color or religion of somebody else. Well, this is ridiculous, because if you would

unintentionally do so it doesn't say willfully. It doesn't say anything really. All it says that they make you a criminal right at the start.

Now it also says, for those of you who are interested as a real estate broker, and I think you have probably seen this, that it also limits you as to you cannot accept the house for a listing for sale if the owner has shown intentions of discriminating as to who he is going to sell. Well, this again is rather hard to digest, because you probably don't even know if he is going to — very few houses they tell you they won't sell to certain people. Now I claim that this is almost—to most of you who know, this is as bad as if you put a restrictive covenant on something, and actually then the law says you cannot do this. This is bad. I think this is very bad.

I refer to section 4611, that a complaint can be brought in — not brought in by the one that apparently has been hurt, but can be brought in by any member of the Commission. Now it is none of their business. It isn't the business of the Commission to actually bring an action against these people. And if you have somewhere else in the bill it says that the Commission is not responsible, they don't have to file no bond, they don't have — if there is any damages been assessed you can't assess them for any wrongful issuance of an injunction. So actually they are lord; they are the big lord.

This is going to be a no — actually you can't sue them for anything at all. And the beautiful part of it, one of the beautiful parts of it is that it says here, this act is actually presented so if something does happen, and they bring you in, and means to be used to solve the problem will be by conference, conciliation, and I tell you here is a nice word — persuasion. Now my vocabulary is pretty limited as far as English goes, but I know what persuasion is. They don't have to put a crowbar on my back to persuade me about anything. They have persuaded me when they tell me that this fair housing act has been a wonderful act. Well, how necessary was it

when in Cumberland County itself we have had three cases in three years of discrimination, and then they were not justified?

I highly suggest that you consider all these things. We have killed this foolish type of bill in the past two sessions. We killed it in regular session. They brought it, through political interference it was brought up again at the special session. I think that the bill is ridiculous, it is foolish, it is distasteful, it is detrimental, and a disservice to the people of the State of Maine, and I ask you to support the motion for indefinite postponement of this awful bill.

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 Bar Harbor, Mr. MacLeod, that An Act Establishing a Human Rights Commission, House Paper 507, L. D. 659, 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—Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G.W.; Berube, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carrier, Churchill, Clark, Cottrell, Crosby, Dam, Donaghy, Dyar, Emery, D. F.; Emery, E. M.; Fecteau, Finemore, Fraser, Gauthier, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lebel, Lee, Lewin, Lincoln, Littlefield, MacLeod, Maddox, Manchester, McCormick, McNally, Millett, Mosher, Page, Parks, Payson, Porter, Pratt, Rocheleau, Rollins, Scott, Shaw, Sheltra, Silverman, Simpson, L. E.; Susi, Theriault, Trask, Wight, Williams, Wood, M. W.; Woodbury.
NAY — Bedard, Bernier, Berry,

P. P.; Boudreau, Bourgoin, Bustin, Carter, Clemente, Collins, Conley, Cooney, Cote, Cummings, Curtis, A. P.; Curtis T. S., Jr.; Dow, Farrington, Faucher, Gagnon, Gill, Goodwin, Hancock, H e r r i c k , Hewes, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lewis, Lucas, Lund, Lynch, Mahany, Marsh, Marsteller, M a r t i n , McCloskey, McTeague, Morrell, Murray, Norris, O'Brien, Orestis, Pontbriand, Ross, Santoro, Shute, Simpson, T. R.; Slane, Smith, D. M.; Starbird, Tyndale, Vincent, Webber, Wheeler, White, Wood, M. E.

ABSENT — Binnette, Birt, Curran, Cyr, Doyle, Drigotas, Dudley, Evans, Genest, Hayes, Hodgdon, Lessard, Lizotte, McKinnon, Mills, Rand, Smith, E. H.; Stillings, Tanguay, Whitson.

Yes, 72; No, 58; Absent, 20.

The S P E A K E R : Seventy-two having voted in the affirmative, fifty-eight in the negative, with twenty being absent, the motion does prevail.

Sent up for concurrence. (Later Reconsidered)

Passed to Be Enacted

An Act Authorizing the Bureau of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings (H. P. 1115) (L. D. 1534)

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

The S P E A K E R : The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago I took mild exception to this bill, and I know my friend Mr. Dam from Skowhegan introduced this to cure a problem which I am very sure he had, he is very earnest about it. And if this bill just did what he thinks it did I wouldn't have any objection, and I don't know as anybody else would.

This bill goes way beyond what he thinks. He thinks that it would give advice and help to a School Administrative District from the BPI. Well, it does do that. Then

it goes way beyond that. Such plans — this is from an architect's plans—such plans, drawings, specifications, shall bear the approval of the Bureau of Public Improvements. Then under another section it says, no final payment shall be made until the Bureau of Public Improvements has certified the acceptance of the completed project.

I submit to you that this is creating a bigger Bureau of Public Improvements. It has a cost on it, of course, and I think from my conversation with Mr. Bates, it was a guess figure. Of course everything has got to be a guess figure because they haven't much idea. But this does entail inspection of every set of plans that an architect might submit to a School Administrative District. I am against this bill, and I move its indefinite postponement.

The S P E A K E R : The gentleman from Albion, Mr. Lee, moves the indefinite postponement of L. D. 1534.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: You have all heard the previous speaker speak about the different parts of the bill. He also stated that because of some difficulties I have in my area. I do have some difficulties in my area; this I do not deny. I am sure and I know for a fact that there are other areas of the state that have the same difficulties, and fifteen miles north of me, in another SAD, four times they have voted against building a building until they can see how this law comes out.

Very briefly I would like to try to explain for the members of the House what the situation is now in regards to building school buildings. Assuming that your district, your board of directors feel that you need a new facility, they recommend this and they go to the people; the people will vote to authorize this and authorize a bond issue to cover this cost. Then I think you all realize what most of your district board of directors are made up of. These are not professional people; they are not

lawyers; they are not architects or engineers. So they go out and they hire an architect.

In 90 percent of the cases in the State of Maine, when a school building is constructed, the architectural firm sends their man in with what is known as a standard AIA contract. This is the Association of Independent Architects. They will tell you that this is normal procedure and that there is nothing to fear from this contract and that this is the only document that they can operate under. There are some 92 pages in this. We went through this in my district. I have talked with some other districts in the state where they have some of the same problems that we have.

What it says in the standard AIA contract is that when the architect feels that the building is satisfactory he certifies this and then the owner, which is the district, which is the people, shall make the final payment.

Now it just stands to reason that should there be a design problem in the building, that the architect will not say that there is a design problem. Because were he to say this, he would be opening himself up to remedy this problem, and this would be coming out of part of his commission fees. So the architect will say, this is a construction problem. The contractor in turn will argue the other way. Where does this put the district? Where does this put the people? This puts them into a court case.

Now what this bill does, it says that school administrative districts shall be treated in no other way than the other departments of the state that construct buildings. And if you will go through this bill and you read it over, you will see in the heavy black print what has been rewritten into the present law.

Under the first section the only thing that was written was "and including the construction, major alteration or repair of school buildings by any school administrative unit and for which state school construction aid is to be paid." Then in number seven we

have the words "and for school administrative units." This appears this way throughout the bill.

Then we go down to Section 6. It says, "Such drawings, plans and specifications shall bear the approval of the Bureau of Public Improvements."

Section 7 says, "No final payment shall be made until the Bureau of Public Improvements has certified its acceptance of the completed project." Number seven alone to me is the most important part of this bill because, as I said before, about 90 percent of the construction in the State of Maine is done under a AIA contract.

In the present law there is no provision for the directors to withhold any of the funds from the contractor once the architect certifies that this job is complete. You turn this money over, then if anything goes wrong or there is any litigation between the parties involved or dispute between the architect or the contractor, it puts the district and the taxpayers into court action.

The only thing I maintain in this bill is that in the State of Maine the State does have a tremendous amount of money involved in the school construction. Most of the time it runs over 50 percent, up to 55 or 60 percent. I feel that the State of Maine should have a weapon to protect their funds. At the same time, I feel the people should have a little assurance that the State of Maine is somewhat interested in how their money is being spent.

Now this bill does carry a price tag. The bill originally carried a price tag for 1971 and '72 of \$28,410; '72 and '73, \$28,777. This has been amended out to put the price for '71 and '72 to \$6,000; and '72-'73 to \$8,000. For personal services, which meant two more people for BPI, it has been taken out. The only thing that has been left in this bill is "All Other" and that is the \$6,000 and the \$8,000. And I definitely oppose the motion for indefinite postponement, and I hope that the House would go along to see this bill enacted so that throughout the State of Maine, when school buildings are

constructed, that the people have just a little more protection than what they have now and they have this from a state level.

The reason for amending out the two that was for help for the BPI, was that is is very possible that a little later the BPI and the Department of Education can get together and approve a standard contract that will be used throughout the State of Maine. On this I have spent some time with them, I have talked it over with them, and the contract that is used to build schools is not the same contract that is used to build a state building. It is my hope, and it is the hope now of the Department of Educations that later on, by getting together and working with the BPI, that we can change the contract provision and give a little more protection in that area too.

This is a good bill; it was a good bill even with the price tag attached up to the \$28,000, but it is even better now because we do not have to expend the \$22,000-odd. We have brought it down somewhere to a very reasonable figure of \$6,000. And I would hope today that you members would oppose the motion for indefinite postponement.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I hate to date myself by telling a little story, but when I was a kid the moving pictures we had were a round cylindrical disc and it had colored pictures and you could spin it and you would see moving pictures. And one of the things in that was Jacob with his coat of many colors, I can remember.

Now this is a case of where almost in every case I have agreed with Representative Dam because I think his thinking as a conservative is very good and I have gone along on a good many things. But this is one thing that I can't understand, why that you would want to go into the extra expense of the BPI to hire these very AIA architects, because that is what they have got to have in order to go through and review these plans. And they all operate on AIA con-

tract specifications, which is approved in the whole 50 states of the United States, which is taken up every time that we ever have a convention for the Associated General Contractors of America, and for the BPI to go along with this bill they must hire more AIA architects because that would be the only ones that would be able to do these things that are necessary. I don't see why you should want to increase another department unnecessarily.

Now if there is something wrong with your building when you get done and you feel that you shouldn't pay the money, I think it was in the 103rd that I got a bill through here that you can go to the American Association of Arbitration and they will arbitrate any difficulty you have and see that the proper remuneration is given to the proper parties.

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

Mr. DAM: Mr. Speaker and Members of the House: I hate to take exception with my good friend, Mr. McNally, but it seems—and neither did I want to get into any special groups of people. But it seems strange to me that when I first went to the Department of Education, for one thing, they really were in love with this bill. We spent quite a little time on it. It went through the route, and then all of a sudden the superintendents of the schools in the State of Maine started lobbying against it, so it made the Department of Education kind of hold off too.

Now as far as any law to withhold any money, or anything done in the 103rd, there is no such a law at this time. And for the information of the members of this House and for the record, I would like to state that under the time when Edmund Muskie was Governor of this State of Maine he had this law put on the books in a much stronger form than I have it now. And after his term expired and he was no longer here, the contractors had this bill lobbied, this section, and had it lobbied out of the law.

Now I do not condemn or attempt to condemn or want to condemn any segment of the industry in the State of Maine or of this country. But I feel it is high time that the people that are paying the bills should have something on the books — and this is merely putting back in part what was already there, I feel they should have this for their protection. I also feel that if this is passed for enactment, contrary to what some members may feel here in their own personal judgment about building schools, whether they want to build them or they don't, I feel that if this law is enacted that this will go a long way to cut out opposition to the school building program in the State of Maine.

Now the school building program is beginning to experience the opposition. As I said previously, fifteen miles north of me in another SAD they have voted four times, four times they have been turned down. And I feel that this is a good bill as far as saving the taxpayers of the State of Maine money because it would cut out their carrying the burden alone.

This is what you are saying if this bill is defeated, that you are willing for your district to carry not only the burden of protecting their investment, which is taxation, but also to protect the burden which is placed on the State of Maine in the form of subsidy. I feel this is a good bill for those who are pro educational because it will take a lot of the arguments away from the building of new buildings. I hope, again I will say, that you oppose the motion of indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that this Bill be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

62 voted in the affirmative and 45 voted in the negative.

Whereupon, Mr. Dam of Skowhegan requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must

have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. FAUCHER: Mr. Speaker and Ladies and Gentlemen of the House: I hate to get up twice the same day because I am not too good a speaker, but I hope the House will go along against the indefinite postponement of this bill and vote no. The district that Representative Dam was speaking about is my district, School District 74. We voted four times against building a new school, a million and a half bond issue, because we looked at the law and a lot of people in my district looked at the law and the law is not written right. There is no protection at all for the taxpayers. The only protection is for the contractors and the architect. We feel that if we are going to vote on a bond issue for a million and a half dollars the people should have a little representation or a little something to say about it.

So I hope you help us today and vote for this bill.

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

Mr. McNALLY: Mr. Speaker and Members of the House: Since I drew up the plans for a school, small though it was, and got it approved, I must tell you what is done. You have a mechanical engineer, whose plans must be approved by the Health and Welfare, the sanitation engineers have to submit approval and plans for the plumbing and the heating. The Deputy of Education, Mr. Crockett, has to approve your plans. The insurance people have to approve your plans, and you cannot start your building or put it out to bids until you have had a notification that you have a building permit that will start on a certain date and will last so long.

So I don't see but what there are a lot of these things that Mr. Dam is trying to do are already being done, and that is why I can't understand what good it is going to do to hire another series of architects, for the architect that you have gone to work to hire to have to get approval through, when they are all going to be operating on the same specifications and they are all are going to have to go through the same departments that I had to go through to get the plans approved before I could put them out for bids.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I had roughly much the same impression that the gentleman from Ellsworth, Mr. McNally, had when I first heard of this bill, and that was only two days ago when we discussed it in the leadership meeting. At that time I really had no knowledge as to existing procedure except to know that my own superintendent had been pretty much upset by the way that things had been handled previously.

Reviewing the bill that had been proposed and then speaking with the officials of the Bureau of Public Improvements, it was found that very little staff would have to be added, and as a matter of fact none at all except a little bit of money to review those plans. The problem is a very simple one; it is to determine whether or not the plans will meet the specifications, whether or not they are going to be sound, and whether or not they are going to do the job.

Unfortunately in the past the Department of Education has not necessarily done this job the way it perhaps could have been done. The Bureau of Public Improvements would be in a position to make recommendations and to make suggestions to revise those, and I think it is not a bad idea at all. And so I am going to vote and the gentleman from Skowhegan and against the motion of indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that An Act Authorizing the Bureau

of Public Improvements to Assist Municipalities and School Administrative Districts in the Construction of School Buildings, House Paper 1115, L. D. 1534, be indefinitely postponed. The yeas and nays have been ordered. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Baker, Barnes, Bartlett, Bedard, Berry, P. P.; Brown, Bunker, Churchill, Collins, Crosby, Cummings, Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Finemore, Gauthier, Good, Hall, Hanson, Hardy, Haskell, Hawkins, Henley, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Keyte, Lee, Lewin, Lincoln, Littlefield, MacLeod, Madaox, Manchester, Marsteller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Porter, Pratt, Rocheleau, Rollins, Scott, Shaw, Shute, Starbird, Susi, Trask, Williams, Wood, M. E.; Woodbury,

NAY — Albert, Bailey, Bernier, Berry, G. W.; Berube, Bither, Boudreau, Bourgoin, Brown, Bustin, Call, Carey, Carrier, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Curtis A. P.; Dam, Dow, Faucher, Fecteau, Fraser, Gagnon, Gill, Goodwin, Hancock, Herick, Jalbert, Jutras, Kelley, P. S.; Lawry, Lebel, Lewis, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, McTeague, Mills, Murray, Orestis, Payson, Pontbriand, Ross, Santoro, Sheltra, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Theriault, Tyndale, Vincent, Webber, Wheeler, White, Wood, M. W.

ABSENT — Binnette, Birt, Bragdon, Carter, Curran, Cyr, Doyle, Drigotas, Dudley, Evans, Genest, Hayes, Kelley, R. P., Kilroy, Lesnard, Lizotte, McKinnon, O'Brien, Rand, Smith, E. H.; Stillings, Tanguay, Whitson, Wight.

Yes, 62; No, 64; Absent, 24.

The SPEAKER: Sixty-two having voted in the affirmative, sixty-four in the negative, with twenty-four being absent, the motion does not prevail.

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

**Passed to Be Enacted
Emergency Measure**

An Act Broadening the Scope of the Uniform Agricultural Cooperative Association Act (S. P. 669) (L. D. 1860)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Revising the Implied Consent Law for Operators of Motor Vehicles (H. P. 1027) (L. D. 1422)

An Act to Relieve Certain Elderly Householders from the Extraordinary Impact of Property Taxes (H. P. 1400) (L. D. 1817)

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

By unanimous consent, the preceding Enactors were ordered sent forthwith.

An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based upon the Productivity of Various Classes of Forest Lands (H. P. 1419) (L. D. 1837)

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

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

Mr. MARTIN: Mr. Speaker, I request that this item lie on the table until later in today's session.

Whereupon, Mr. Ross of Bath requested a division.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that L. D. 1837 be tabled until later in today's session pending passage to be enacted. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 74 having voted in the

negative, the motion to table did not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: At this point I am not sure whether or not I ought to make a motion, but maybe it is not a bad idea. The reason I asked for a tabling motion was a rather simple one. I have been informed that it is quite possible that if the Bureau of Taxation is to do the job they are going to need some staff. Now this may be a problem. It could very well be that they do not have the expertise to do it. Since this bill does not have a period as to when it is going to be effective or uneffective the Bureau has to start working on it immediately.

What I wanted to do was really to table it so that we could find out whether or not this was the case. I can assure the proponents that it was not an attempt at this point to scuttle it per se, but this may be the only way out.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: We have before us a House Amendment "B" presented by Mr. Martin of Eagle Lake and I thought he was probably going to offer that House Amendment or try to get the bill back in the proper form to offer it.

Now I have stated on the Floor of this House several times that I hold no brief for the large landholders, and although I am friendly with all of the legislative agents I do not accept on blind faith all of their highfalutin legal verbiage often used to sway people. I only want both sides to be treated fairly on the taxation of wildland.

Now this bill was redrafted twice, and most recently the House accepted House Amendment "A" and the suggestion of the State Tax Assessor to straighten out inequities. The bill as amended has been engrossed and I certainly think it should be enacted at this time.

The SPEAKER: The Chair

recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I would agree with the gentleman from Bath, Mr. Ross. If there needs to be any money put into this thing it could be done at the time in the Omnibus Bill. Now to at this time back up this bill, which incidentally could be taken care of at the special session if the suggestion of Mr. Martin is sound, and I have no reason to believe that it isn't. But I don't think that this is the time to back up this bill, send it back to the other branch for them to back it up, and then lose the valued hours that everybody cherishes so much now.

For that reason and the reason that this could be taken care of in two ways — at the special session if needed to or through the Omnibus bill, I would support the suggestion of the gentleman from Bath, Mr. Ross, and I hope when this bill is enacted, when the vote is taken I hope it be taken by the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: In further answer to the questions raised by the gentleman from Eagle Lake, Mr. Martin, I am informed that there is adequate money in the cruising fund that is allowed the Department of Taxation to take care of these added costs, and we also have a memo from Ernest Johnson to the effect that they do not need any extra money to implement this bill.

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

Mr. BUSTIN: Mr. Speaker, I would like to pose a question through the Chair to any member.

The SPEAKER: The gentleman may pose his question.

Mr. BUSTIN: The question I have is —I am a little confused not being a financial expert on these matters, but the question I would like to pose is this. What are both the immediate and the long-range effects of this bill upon the revenue sharing program? There must be some, because the

revenue sharing program is based on tax effort in part.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, poses a question through the Chair to anyone who may answer if they choose.

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

Mr. ROSS: Of course as far as the immediate effects go there are none, because this does not become effective until 1973. But it is thought by everybody concerned that this is eventually going to be a fairer tax and it is going to produce more money, and it is not going to hurt the small towns in the unorganized territory.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In direct answer, there is no connection whatever.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: Mr. Jalbert said there is no effect. I will agree with him to a certain extent, that there isn't. It is going to be tax effort, naturally. Because if your town values it more, therefore they raise more money, it is going to be a tax effort, naturally. It is bound to be. And I think it still wouldn't have any bearing upon the sharing because there will be that much more tax coming in. I would think that it would help the sharing program because there would be more tax coming in.

There is no question but that this is going to be a 10 percent raise each year. It isn't going to raise all at once. Then the second year there will be 10 percent more, with the change of valuation. And I might say that this is going to help Aroostook County taxwise because we have more softwood land. Softwood land is figured at \$4.50 a cord where hardwood goes to \$3.00 a cord. So therefore we are going to get more tax effort for Aroostook and I think it is a great thing and I think we need it.

The SPEAKER: The Chair

recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Members of the House: I would like to attempt to answer in reply to Mr. Bustin's question. I think you do have a longer-range benefit to be derived from this. With a floating mill rate, as your expenses in your municipalities increase and your tax rates increase, automatically the mill rate assessed on the forest lands will increase, and I think the ultimate benefit will be that you will not have to come back here periodically and wonder whether you should raise the rate five mills or ten mills or whatever. I think with a floating mill rate you would have an advantage that you do not have now.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: The present situation here in the State of Maine is wildlands taxation. We have just increased the tax five mills. I hear no hue and cry from this Legislature nor any of the state officials that we are not currently getting an accurate level of tax from the unorganized territory.

What I am trying to point out is there is no pressure from the Legislature nor from the state departments for a change in tax policy in the unorganized territories. I think this is a fact; I think we all recognize it right here and now. I made many objections the last time this was before us to this bill and how it happened to come before us, and what it provides for.

I would summarize these objections, perhaps this being my principal one, and I would quote from the debate the other day in which Mr. Cottrell said the following. "The Taxation Committee as a whole was not involved in this bill at all. We passed it out 'Ought not to pass' and the next thing we knew in a very quick executive session Representative Ross said I have a redraft. I am going to take it up to the Appropriations Committee. And we didn't even know what the redraft was and

we have never discussed it and that is a fact."

Now I believe that that is a fact. It was refuted. It raises the question which I think we should consider here today. Don't you think that we in the Legislature should become involved in the formation of a tax policy for from here on in on one half of the State of Maine? I think it warrants our attention. The statement was just made here on the floor of the House. "Everyone concerned with this believes that this is a 'better tax.'"

And I raise the question right here now to you, who is concerned? It has been firmly established that the Legislature hasn't been, that the Taxation Committee never saw it, didn't know what was in it. This has been a typical industrial lobby operation wherein a major State policy is established without the Legislature ever becoming involved in it, and we are now at the state where we are asked to rubber stamp it. I would move the indefinite postponement of the bill and all of its papers.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You know several times that I — and I really and truly don't mean to take issue with the gentleman from Pittsfield on a personal basis at all, because I truly liked him when I first met him and I like him now. Somewhere along the line I think that we have got to pull up some way, like you know we can't go too far out. You know when you are rounding the far turn because you know it is a long stretch home. And I know the gentleman from Pittsfield knows this, but you know we keep harping about this lobby work you know and pounding away at it as if these people were just people with horns. Now from my hospital bed about ten days ago I was lobbied more for a bill that I was for anyway — the Land Use bill, and I never was lobbied since I have been a member of this Legislature. Now that suited the purpose and I didn't hear one word since about the mammoth, fantastic, successful job that this part of the lobby did.

Now these people here are members of the third branch. They are legislative agents. The law says they can register. The law says they can register for what they want to register for. If people feel the way they do about these people, let's not tear them apart to try to win or defeat a bill. Let's just put in an order or a law saying that we will outlaw them. And I am really and truly tired of seeing these people, who in my opinion are of great character, former Speakers of the House, former Presidents of the Senate, attorneys, businessmen, keep pounding away to try to put a point over.

When I was lobbied for the Violette bill I said I was for it. I was called again and I said I was for it. I was visited and I said I was for it. I didn't object to it. It is their job. They have the right to do it. The law says they have the right to do it. The law says anybody can go downstairs and register with the Secretary of State to lobby to roust me out of here. It is the law if they want to do it, and for heaven sakes let's get off their backs and keep them in here and say anything. They are not bothering me any and as far as I am concerned if I go out with one of them, for dinner or for breakfast, I could care less who picks up the tab.

I had dinner the other day with a man who was a former President of the Senate and since he has been a member of the lobby I have never voted for him. I consider him one of my good friends. I take this opportunity not certainly against any personalities against the gentleman from Pittsfield, Mr. Susi, he knows better than that. But this pounding and hounding away when it works both ways gets a little bit tiresome after a while.

Now this bill here could be taken care of through the Martin amendment, through the Omnibus Bill. Or it could be taken care of at a special session. I haven't been lobbied on it one way or another. I am for the bill and if I was lobbied for it it would be perfectly all right. I don't remember one session that we haven't asked or we haven't begged or we haven't been dependent upon the members of the third house to bail us out

of very, very serious situations. And I guarantee you that before we get out of here, sometime next week, it will happen again.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Two speakers, and perhaps three now, have referred to an amendment that I was going to introduce. The fact is that I was not going to introduce that amendment, had no intention to do so and I would like to tell you why and it is interesting why everyone all of a sudden knows about an amendment. No one has ever asked me about it, and why all of a sudden it has become the big bugaboo I am not sure. I have a reason to believe I know.

The amendment that I had passed around yesterday and was thinking of offering, or the day before when this thing was being lobbied, had to do with the change, the roll back provision, that if they changed the use of the land from forest land to something else, then rather than five years back taxes, we would go to ten.

Now there is an interesting thing that you might be interested in knowing about this thing, and it appears that the roll back provision is not even workable and perhaps even unconstitutional, and so when I found that out I can assure you I had no intentions of offering it at all. But why all of a sudden, interestingly enough, someone would scream about my asking for it to be tabled until later in today's session because they feared I was trying to "roll back the bill and to get it to a position to amend it" is about as far out as I have seen since I have been here this session.

Since we are in a position of talking about the bill, let's talk about the bill. Let's take a look at it. First of all, the question of a Bureau of Taxation. Does it or does it not have enough staff and the expertise to do the job? I believe it does not. If we don't solve that problem, we are in trouble.

The question of whether or not we are reducing the valuation of

timberland in the unorganized territory of the state is not being answered. The question of whether or not the unorganized territory will pay one half the tax rate as compared to organized valuation has not been answered. The question of whether or not guidelines can be established by the State Tax Assessor in determining productivity valuations has not been answered. The question whether or not valuations could in effect cause different tax rates between counties has not been answered. The question of whether or not physical growth which is going to be based on the economic productivity of the timberland is going to be determined by the companies rather than by the State Tax Assessor's office has not been answered. Whether or not this bill is in conflict with the Maine Land Use Regulation law which is now on the books has not been answered. Whether or not we would be providing a subsidy for out-of-state seasonal residents who hold timberlands adjacent to summer homes could in fact be used to restrict public access to Maine lakes and to waterways has not been answered.

Let me also add that these questions I suspect are not going to be even attempted to be answered, and perhaps I ought not to care. I am concerned about the loss of possible revenue to some of the small towns that I represent, and no one has really effectively answered that either. Maybe the best thing to do is simply forget it all, let it become law, then we can come back and scream at one another for allowing it to become law. Maybe that is the answer. But to me that does not seem practical and I can assure you that I am not going to bore any of you again on this subject this session.

I am going to go along with the motion for indefinite postponement even though I am in favor of the system of productivity. I believe it is the proper approach. It is the system that ought to be used to preserve the wildlands of this state, but I am not going to go home knowing that I have voted for a bill that could in effect ruin the future of the State of Maine.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Several remarks have been made on the floor of this House that are not true. The Taxation Committee certainly did study this bill. We spent a great deal of time on it. First under its original L. D. 1667 and the Committee itself asked the assistance of the Tax Assessor in the redraft and we asked his assistance again in the committee amendment. It is not the bill that I hand carried to the Appropriations Committee. That was the Tax Relief for the Elderly bill, because they thought they might want to put that in the Appropriations package. They did not want to do that. They gave it back to me. So that is a misapprehension too. So I want to straighten those two things out.

The principal reason for this is that a uniform consistent approach as to all forest land, particularly the softwood stands which are now most valuable, produce revenues which are now being overlooked. So on one hand we are going to obtain tax revenues from forest land which is presently undertaxed, but on the other hand we are going to avoid taxing other forest lands beyond their economic capacity. With a sound productivity approach we remove the incentive from the landowner to strip his land of merchantable wood and reduce his taxes. This bill has been studied. It was studied by the Taxation Committee and I certainly hope that the motion to indefinitely postpone does not prevail. If the yeas and nays have not been requested, I request them.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I have not attempted to lobby anyone in this House and I have not been lobbied and I was fortunate to have about 40 years of very enjoyable and memorable association with a paper company, but that ceased a few years ago when I retired.

I recognized a long time ago that

the State of Maine did have a problem in the manner in which it taxed its forest lands. The problem is still with us and it is not only in the State of Maine. Other states have the problem, not in the same degree, because I think that Maine is unique because so much of the forest land is located so far from the municipalities that you have a different tax problem than you do in the other states.

But the other states have been approaching this problem and they have been approaching it in the same direction. In the northern tier of states, out on the west coast, even in the southern tier of states, the same approach is being made to taxing forest lands on their productiveness. I think one of the most impractical things to do is to do nothing.

I don't think you can settle all of the niceties of any program as complex as this in one session of your legislature. I am quite sure you are coming back in special session, and after giving this much thought you will have alterations that you would like to put into it. I am sure the 106th and 107th will do it too. But at least it is an approach, it is a start, the same as you have done in governmental reform.

Now there is mention made of staff. I think you can take care of that later. That doesn't have to be worked into this document at the present time. The value of the timberland, how it is going to be assessed, does not necessarily have to be spelled out immediately. The percentage of valuation, if you travel this state you will find municipalities that assess at 30, 40 percent or less of fair market value. That is not unusual. Guidelines, different tax rates, physical growth, those are all questions that do not have to be answered at the moment.

I am surprised that so many of the people in the Natural Resources Committee haven't come to bat for this particular type of legislation. This, in my opinion, will do more for the State of Maine than anything that you have done in Natural Resources. You are going to make it desirable for the owners of timberlands to get the

most productiveness out of their lands that they can possibly get. That will mean that they are paying the lowest tax rate. If they clean the thing off they are still going to pay taxes and get nothing out of it. Selective cutting and the best of forest practices will insure that over a long period of time the owners of these forests lands will pay the lowest rate, because they are getting the most out of their land. I am sure that of all the legislation that you have enacted this I think is a most direct and most needed approach at the present time.

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

Mr. DYAR: Mr. Speaker, Members of the House: During the 104th session we were inspired and our culture was added to by the gentleman from Bath, Mr. Ross, on several occasions when he read his horoscope into the record.

Today I would like to read my horoscope into the record. Jean Dixon states: "It is your turn to stay calm while somebody else frets. A good question can set most problems in a clearer perspective."

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I know we have, as human beings, different moods. Sometimes we speak with great exhortation and sometimes we — and I hope most of the time we try to speak with deliberation. The original report on this bill, and I have maintained all along that it includes a very wonderful principle, but that it has only been tried out partially in one state in our country. The original bill was turned down by unanimous report, "ought not to pass."

Now the second bill was never heard in executive session, and the report was "ought not to pass." And here are the ones that signed the "ought not to pass" bill. I am just trying to be deliberative and factual. Fortier of Oxford, Finemore of Bridgewater, Morrell of Brunswick, Collins of Caribou, McCloskey of Bangor, Cyr of Madawaska, Dam of Skowhegan, Drigotas of Auburn, and Cottrell

of Portland. And those who wanted it to pass in the Minority Report were Wyman of Washington, Hichens of York, Ross of Bath and Trask of Milo.

Now I saw this bill a week ago last Friday, and I was — I had to figure out just what bill it was, and I didn't sign it. I signed it Monday "ought not to pass." Now my whole objection to this bill is not on many of its merits, but on the fact that it is such a revolutionary bill, which involves not only the unorganized territory but every piece of woods in our whole state. If you don't have 100 acres, and you only have a ten acre lot, you can put it under this. And a lot of us tried to get just a test run in one county to see how it would work out with the assessors and the whole thing. I thought that was the most sensible approach.

Now I know sooner or later we are going to have a productivity tax, but I thought that at this late time in the session to tackle such a revolutionary bill was not in the best interest. Now if you say that we have all fall and the special session to work out and study and come up with all kinds of amendments, and sort of currycomb it, well I think maybe I would go along with it. I don't think it is going to be defeated in the other body — excuse me, I don't want to get in a hassle at this late, late, late period. In fact, I would rather we did nothing about this at this time. That is what I would really like.

Now if you, in your judgment, think that we should go on this revolutionary, uncurried, unscrutinized bill at this time, that is your pleasure, and that is what you can do.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen: As an associate of Representative Cottrell's on the Taxation Committee, I have only one thing to say about his comments. I concur wholeheartedly.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess after listening to the debate here two or three times that I would have to concur with the gentleman from Portland, Mr. Cottrell, and the gentleman from Eagle Lake, Mr. Martin, the fact that there are an awful lot of unanswered questions regarding this bill.

Now I appreciated the fact that a number of the members attempted to answer my question. But I must confess that the answer which Mr. Finemore advanced made me a little bit more suspicious in regards to the relationship of this bill with the revenue sharing program. So let me assert what I may, and I confess I could be in error here, what I think may happen.

If in some of these organized towns without large population the lands are not taxed equitably, then there will be less tax effort on the part of those towns; which means that more of our money from the state level will have to go into these towns on the revenue sharing basis. Now I would suggest that on a long range basis this is going to work to the detriment of those areas in the state with larger populations, and thus defeat the purpose and the philosophy of the revenue sharing program.

I think this bill needs an awful lot more study and I would support the motion to indefinitely postpone.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I think most of the questions raised against this particular document are merely delaying tactics, because they are attempting to spell out in detail everything that should be worked into this thing. And I don't think any legislature can put out a bill that is perfect in all details. I think your governmental reform bills have indicated that, that you have to have a skeleton form first and then you flesh it out with further study and amendments and implementations.

I would like to recall to the members from Aroostook County — and I am sure to the Minority Leader this is probably a historical

item — in the early '20s a large part of the acreage up there was destroyed and the companies had to move in and harvest it, otherwise it would have been wasted. Now for about 40 years the owners have been paying taxes on this land and reaping nothing from it. They are only now beginning to get to a point where they will derive some economic benefit for the taxes that they have paid for the past 40 years or more.

This I think indicates one of the benefits to be derived from this particular document. It is to encourage productive forestry. This bill has had the — I think the other day when the committee on the Governor's Task Force was announced, and I underlined a few of the names, because these people contributed much of the thinking that went into this particular document. I would mention first Albert Nutting, whose experience in forestry in the State of Maine goes back a long long time as Forest Commissioner and Director of the School of Forest Resources at the University of Maine. And this particular piece of legislation is heartily endorsed by him.

It is a thing that he has dreamed of for years. I don't believe Mr. Nutting would say that this is perfect in any detail, in all its details, but I am sure he would be thrilled to see the State of Maine lead in this type of legislation.

Some of the thinking that is in this thing was contributed by Ellis T. Williams, Division of Forest Economics and Marketing Research for the United States Department of Forest Service. And there is a gentleman who is recognized from border to border and from ocean to ocean as being an outstanding man in this particular field.

This is the type of legislation that is going to come into force in the states in the United States that do have the valuable timberlands similar to our own. And we have heard mention in this chamber time and time again that the people of the State of Maine have to conserve their natural resources; that the time is fast running out when we can do something about it. This particular

document is one of the most effective ways that you can do something for your forest lands. It is a start, and I hope that you will accept it, and I hope you will give some thought to it afterwards, and make this one of the most progressive pieces of legislation ever enacted in the United States.

Mr. Norris of Brewer moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now? All in favor will say yes; those opposed will say no.

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

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 Pittsfield, Mr. Susi, that An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based upon the Productivity of Various Classes of Forest Lands, House Paper 1419, L. D. 1837, 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 — Albert, Barnes, Bedard, **Berry, P. P.**; Boudreau, Bourgoin, Bustin, Call, Carter, Clemente, Cooney, Cottrell, Dam, Dow, Dyar, Faucher, Goodwin, Kelley, P. S.; **Lebel, Lucas, Lund, Mahany, Marsh, Martin, McCloskey, McCormick, McNally, McTeague, Millett, Mills, Morrell, Murray, Orestis, Scott, Slane, Susi, Vincent, Wheeler.**

NAY — Ault, Bailey, Baker, Bartlett, Bernier, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Churchill, Clark, Collins, Conley, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, **Emery, D. F.; Emery, E. M.; Evans, Farrington, Fecteau, Finemore, Fraser, Gagnon, Gill, Good, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lynch, MacLeod, Maddox, Manchester, Marstaller, Mosher, Norris, O'Brien, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rocheleau, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Starbird, Theriault, Trask, Tynedale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.**

ABSENT — Binnette, Cote, Curran, Cyr, Doyle, Drigotas, Dudley, Gauthier, Genest, Hayes, Lessard, Lizotte, McKinnon, Rand, **Smith, D. M.; Smith, E. H.; Stillings, Tanguay, Webber, Whitson.**

Yes, 38; No, 92; Absent, 20.

The SPEAKER: Thirty-eight having voted in the affirmative, ninety-two in the negative, with twenty being absent, the motion does not prevail.

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

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

Mr. KELLEHER: Mr. Speaker, on the House Advance Journal and

Calendar on page number 5 under enactors, item 1, An Act Establishing a Human Rights Commission, I move that we reconsider our action where this bill was indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action on item 1, L. D. 659, whereby it was indefinitely postponed.

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

Mr. DONAGHY: Mr. Speaker, I would ask for a division on this, or rather I would ask for a roll call. Is the motion debatable?

The SPEAKER: The motion to reconsider is debatable, and the gentleman may proceed.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I thought that we had buried this very deeply, by far deeper than we had last year, but I find that the corner office has decided that he has a new commission to appoint and the director and the party faithful have been rallying desperately in the back of the hall, calling on not only their own party but the Republicans. I hope you will vote against the reconsideration motion.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I am a little surprised because I thought Representative McTeague had said this was the last time he was going to bother us. So I am a little amazed that they are asking for reconsideration, and I certainly hope we don't go along with it.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I apologize to the good gentlewoman from Bethel, Mrs. Lincoln and to the other members in the House. It appears that it is necessary for me to apologize and eat humble pie, and I hereby do so. On the other hand, I don't feel entirely guilty; perhaps we can call it a venial sin rather than a mortal because the bill has been passed by significant margins. The opponents had three swipes at it,

and I wonder if it really strikes against our sense of fundamental fairness to have another swipe on the other side.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: I will tell you what this bill does, it takes a swipe at some of these people down here getting funds for the blind. There is a price tag on this bill of about thirty or forty thousand or more, and these people who got the letter the other day said that their check was being cut by 10 percent could use this money.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Let me try to say something, if I can, to answer the gentleman from Auburn. The bill that is on the calendar just previous to that item one takes care of the very problem that he and I have been working on for so long. The bill that he is concerned about, the aid for the elderly, is right there and the money is there to do the job. We are not talking about that whatsoever at the moment, we are talking about the Human Rights Commission. I would hope that you would reconsider.

I can assure the gentleman from Lubec, Mr. Donaghy, that I don't believe the corner office was twisting arms. I didn't see the Governor marching down the hall attempting to tell anyone what to do, and I don't think that this is the case. I really would hope that you would reconsider. It is a bill that ought to be enacted, and I really would hope that you would vote for reconsideration on the roll call.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As briefly as possible, a short recount of at least what we believe is in the bill, and you can check it yourself by looking at it.

Number one, we now have anti discrimination laws in the State of Maine in the area of employment,

housing and public accommodations. Those are criminal laws, and for example in the area of employment there is a maximum penalty available for employment discrimination of a jail sentence and a fine. The others involve the possibility of fines but not jail sentences.

This has not worked; it hasn't worked for two reasons. Number one, the jail sentence, the criminal prosecution, is a blunt club and not a good instrument to deal with the sensitive problem on which there are often two sides, and we certainly are not dealing with criminals in this area. We are seeking to change the punitive criminal sanction to an informal civil remedy. This is the history in every state that has enacted these bills. They have found that criminal sanction was, number one, too rough; and number two, you punished one man but you didn't help the man that got hurt. It is rather like the idea of the doctor, after he had drained the disease out of an injured party, taking a mallet and beating the diseased tissue which has been scraped off but not helping the man who was hurt, who has the disease.

Secondly, and to me at least and perhaps to give a personal explanation of the reason why I am so involved in it, I would like to preface that by saying that this is bipartisan; it has been from the beginning and I am glad that it continues to be so. But one of the most impressive things I have ever seen in my life was a program on television back in the year 1960. It was down in Houston, Texas, and it involved a Houston Ministerial Association and the man being questioned by members of this association was the late President Kennedy. And he was asked basically a question along these lines, because these gentlemen were concerned because of his attendance at a particular church on Sunday as to whether he could carry through and be a good President under our Constitution.

And his reply was something like this. "Gentlemen, I know you have asked the question in the best of faith and with the best of motives. But when my brother, the one who was killed over the English

Channel and I and even my younger brother went off to serve in the Navy in the Second World War, no one asked us where we went to church on Sunday or where our grandfathers came from. They asked us, 'Are you Americans?' And we answered, 'Yes.' We served and were glad to."

And today we would do the same. There is no preference, there is no exemption for service to the country in any capacity because of membership in a particular group. These people do not deserve a preference; no man deserves a preference. Discrimination in reverse is wrong, just like plain discrimination is wrong. But they do deserve a chance to be seen, if you will, on a color-blind basis. If you don't like people that drink you don't have to rent to them even though they are black or an Indian. But you can't rent, as I said before, to the white man who drinks a case of Scotch a week and then refuse to rent to an Indian or a black man who drinks a bottle of beer on Saturday night.

The only thing we ask is to substitute the ineffective but harsh criminal sanction for an informal civil remedy which other states, other states in New England — it brought to my mind what Connecticut, Rhode Island, Massachusetts and our sister state of New Hampshire have already done. There is no political power available for a bill like this because our nonwhite population is only seven tenths of one percent. That is not very many people, and maybe you don't think the question is very important.

But for example, the City of Rockland, if my memory serves me right, has a population of about six or seven thousand people, and we don't think their problems are important. If any of us were a member of this six or seven thousand we would think it quite important. And it is of great importance to them; but it is to us too, because it is the promise of our nation and the promise of the State of Maine that each man shall have a completely equal chance and that we should ignore the color of his skin and his grandfather's place of origin and his

place of origin, judge him — no preferences — but judge him as an individual, as a man, and give him a chance. This is all we ask in this bill, and I would very deeply appreciate the consideration of any member of the House who could see his way fit to vote for it.

Thereupon, Mrs. McCormick of Union moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. All in favor of the main question being put now will say aye; those opposed will say no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House reconsider its action whereby it indefinitely postponed An Act Establishing a Human Rights Commission, House Paper 507, L. D. 659. 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 and voting 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 Bangor, Mr. Kelleher, that the House reconsider its action whereby this Bill was indefinitely postponed. If you are in favor of that motion you will

vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Boudreau, Bourgoïn, Brown, Bustin, Carey, Carter, Clemente, Collins, Conley, Cooney, Cottrell, Curtis, T. S., Jr.; Dam, Dow, Farrington, Fecteau, Fraser, Gagnon, Gauthier, Goodwin, Hancock, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McCloskey, McTeague, Millett, Mills, Morrell, Murray, Norris, O'Brien, Orestis, Parks, Pontbriand, Ross, Santoro, Sheltra, Simpson, T. R.; Slane, Smith, D.M.; Starbird, Theriault, Vincent, Webber, Wheeler, White, Wood, M. W.; Wood, M. E.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Bunker, Call, Carrier, Churchill, Clark, Crosby, Cummings, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Finemore, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Manchester, Marstaller, McCormick, McNally, Mosher, Page, Payson, Porter, Pratt, Rocheleau, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Susi, Trask, Tyndale, Wight, Williams, Woodbury.

ABSENT — Binnette, Cote, Curran, Cyr, Doyle, Drigotas, Genest, Gill, Hayes, Herrick, Lessard, Lizotte, McKinnon, Rand, Smith E. H.; Stillings, Tanguay, Whitson.

Yes, 64; No, 68; Absent, 18.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-eight having voted in the negative, with eighteen being absent, the motion does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

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

House Joint Order — Re Amending of Joint Rule 17-A.

Tabled — June 22, under the rules.

Pending — Passage. (H. P. 1442) Thereupon, the Joint Order received passage and was sent up for concurrence.

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

Senate Joint Order — Re Creation of Joint Interim Committee to study financial impact upon State of Maine of (S. P. 524) (L. D. 1519) "An Act relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State." (S. P. 667)

Tabled — June 22, by Mr. Porter of Lincoln.

Pending — Passage in concurrence.

On motion of Mr. Porter of Lincoln, retabled pending passage in concurrence and tomorrow assigned.

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

Senate Joint Order — Re Speaker of House and not exceeding 4 members of the House, President of Senate and not exceeding 4 members of the Senate; also Law and Legislative Reference Librarian, Edith L. Hary, attend conferences of National Legislative Conference during 1971 calendar year. (S. P. 648) — In Senate, read and passed. — In House, passed as amended by House Amendment "A" (H-470) in non-concurrence.

Tabled — June 22, by Mr. Porter of Lincoln.

Pending — Further consideration.

On motion of Mr. Porter of Lincoln, retabled pending further consideration and tomorrow assigned.

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

Senate Joint Order — Re Secretary of Senate's duties and responsibilities when Senate is not in session. (S. P. 654) — In Senate, passed.

Tabled — June 22, by Mr. Porter of Lincoln.

Pending — Passage in concurrence.

On motion of Mr. Porter of Lincoln, retabled pending passage in concurrence and tomorrow assigned.

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

Senate Joint Order — Re Interim telephone privileges (S. P. 655) — In Senate, passed.

Tabled — June 22, by Mr. Porter of Lincoln.

Pending — Motion of Mr. Martin of Eagle Lake to reconsider passage.

On motion of Mr. Martin of Eagle Lake, retabled pending his motion to reconsider passage and tomorrow assigned.

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

An Act to Authorize the Issuance of Bonds in the Amount of Ten Million Three Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways (S. P. 662) (L. D. 1857)

Tabled — June 22, by Mr. Ross of Bath.

Pending — Motion of Mr. Susi of Pittsfield to reconsider failure of passage to be enacted.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi to reconsider failure of passage to be enacted. To reconsider is a majority vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken. 64 having voted in the affirmative and 44 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question now is passage to be enacted, which requires a two-thirds vote of the members present and voting. All in favor of this measure being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken. 69 voted in the affirmative and 52 voted in the negative.

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

Mr. JALBERT: Mr. Speaker, I move that this be taken by the roll call and it be tabled until tomorrow.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests the yeas and nays. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. JALBERT: Mr. Speaker, I now move that this item lie on the table until the next legislative day.

Whereupon, Mr. Emery of Rockland requested a division.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this matter be tabled until tomorrow pending passage to be enacted, a roll call having been ordered. A division has been requested on the tabling motion. All in favor of this matter being tabled will vote yes; those opposed will vote no.

A vote of the House was taken. 75 having voted in the affirmative and 46 having voted in the negative, the motion to table did prevail.

The following Communication:

THE SENATE OF MAINE
Augusta, Maine

June 23, 1971

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

Dear Madam Clerk:

The Senate voted to adhere to its action whereby on June 21 it indefinitely postponed, in non-concurrence, Bill, "An Act Relating to the Board of Registration in Medicine" (H. P. 1378) (L. D. 1798).

The Senate voted to adhere to its action whereby on June 22, 1971 it indefinitely postponed, in non-concurrence, Bill, "An Act to Establish a Colt Stake Program for

Maine Standard Bred Horses" (H. P. 476) (L. D. 837).

The Senate voted to adhere to its action whereby on June 22 it indefinitely postponed, in non-concurrence, Bill, "An Act Relating to the Management of Solid Waste" (H. P. 1383) (L. D. 1803)

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch
Secretary of the Senate

The Communication was read and ordered placed on file.

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 the Adequacy of Public Utility Service" (S. P. 453) (L. D. 1311) reporting that they are unable to agree.

(Signed)

WILLIAMS of Hodgdon
MOSHER of Gorham
BARTLETT

of South Berwick
—Committee on part of House.

VIOLETTE of Aroostook
CARSWELL of

Cumberland

SHUTE of Franklin

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

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 Licenses and Fees under the Dog Laws" (H. P. 1321) (L. D. 1733) reporting that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A";

that the Senate recede and concur in the acceptance of the "Ought to pass in new draft" Report (H. P. 1321) (L. D. 1733), adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

KELLEY of Southport
EVANS of Freedom
MANCHESTER

of Mechanic Falls

— Committee on part of House.

BERRY of Cumberland
CONLEY of Cumberland
HARDING of Aroostook

—Committee on part of Senate.

Report was read and accepted. The House voted to recede from passage to be engrossed. Conference Committee Amendment "A" (H-505) was read by the Clerk and adopted.

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

From the Senate: The following Order:

ORDERED, the House concurring, that Senate Joint Order S. P. 256, Relative to the Maine Industrial Building Authority, be amended by adding at the end the following paragraph:

"The chairman, or any member of the committee designated by him, shall have the power to administer oaths and to subpoena and require the attendance of witnesses and production of books, papers, records and other evidence pertinent to such investigation. In case of the failure of any person to comply with any subpoena issued hereunder, or to testify to any matter to which he may be examined, the Superior Court, sitting in any county, on application may issue an order requiring such person to comply with such subpoena and to testify. Any failure to obey such order may be punished by the court as a contempt thereof." (S. P. 681)

Came from the Senate read and passed.

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

Passed to Be Engrossed

The following Bill approved by a majority of the Committee on Reference of Bills for appearance on House Calendar:

Bill "An Act to Validate a Referendum Vote of the Town of Brunswick" (H. P. 1441)

(Presented by Mr. Morrell of Brunswick)

The SPEAKER: Is it the pleasure of the House that the rules be suspended that this Bill may have its readings without reference to a committee? The Chair 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.

92 having voted in the affirmative and 5 having voted in the negative, 92 being more than two thirds, the rules were suspended.

The Bill was given its three several readings under suspension of the rules, passed to be engrossed without reference to any committee and sent up for concurrence.

Non-Concurrent Matter

Joint Order relative to Legislative Research Committee to study the proper role of chiropractic in the State of Maine (S. P. 399) which was indefinitely postponed in non-concurrence in the House on June 22.

Came from the Senate passed as amended by Senate Amendment "A" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Hodgdon.

Mr. HODGDON: Mr. Speaker, I move that we adhere to our former action and would speak very briefly to my motion.

The SPEAKER: The gentleman from Kittery, Mr. Hodgdon, moves that the House adhere.

The gentleman may proceed.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: We indefinitely postponed this bill yesterday by a large majority. I submit to you that the amendment that has been submitted is just a ploy to keep it alive. And I further submit to you that if it would cost \$3,000 to implement this order yesterday, it would still cost \$3,000 to implement it today.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Number one, the \$3,000 has been deleted;

number two, I would like to move that we recede and concur. Somewhere along the line we passed a very important piece of legislation concerning the chiropractors. Somewhere along the line we ought to set up somewhere and find out what kind of a role they are going to play and have some rules of the game. I certainly hope that the motion to recede and concur would prevail.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly I heartily concur with the gentleman from Lewiston, Mr. Jalbert. There are 43-odd of these gentlemen practicing this and there doesn't seem to be much regulation on them, and so if they are going to assume the roles which we have passed the same as the professional doctor and osteopath, there is no reason that the State shouldn't study them and regulate them.

So I certainly hope that you will go along and recede and concur.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I would just like to add that I would go along with the gentleman from Lewiston to recede and concur.

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

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: The Health and Institutional Services Committee had one bill before it involving chiropractic. There is no doubt that the services they offer are invaluable under certain circumstances. I felt at the time that the decision on the bill was difficult because the area covered by chiropractic is not clearly defined. I support this order to clarify the position of chiropractors and hope that you will vote yes on the motion to recede and concur.

The SPEAKER: The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken. 76 having voted in the affirmative and 33 having voted in the negative, the motion to recede and concur did prevail.

Non-Concurrent Matter

An Act to Abolish Claim by State Against Estates of Deceased Recipients of Aid to the Aged, Blind or Disabled (H. P. 455) (L. D. 610) which was passed to be enacted in the House on May 24 and passed to be engrossed on May 13.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you well remember, this item was debated a great number of times, I should say, twice in the House. It is a bill which I had introduced that would have taken away the liens on the property of the elderly, especially after they had received aid to the aged. The problem with it is that we got caught the last couple of days with a disagreement between Health and Welfare as to what it was going to cost, with one bureau saying one thing and one bureau saying another, and we tried to resolve it; there was absolutely no hope. I apologize to those of you who stuck with me, but I now have to move that we recede and concur with the other body.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

An Act to Establish Stepparents Responsibility to Support Stepchildren (S. P. 640) (L. D. 1833) which was passed to be enacted in the House on June 22 and passed to be engrossed on June 16.

Came from the Senate having failed passage to be enacted in that body.

In the House:

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

Mr. LUND: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the House recede and concur.

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

Mr. HEWES: Mr. Speaker and Members of the House: I respectfully ask for a division on this. I hope we will defeat this motion so that we can then move to insist and have it go back to the other body.

You will recall that this is a situation whereby about a million dollars was allocated back five years ago and now it is over \$18 million. If this trend continues, who knows what it will be in another five years?

At the hearing the gentleman from Portland, Matthew I. Barron, Welfare Director, who has spent 37 years in the field of social welfare, urged strongly that we adopt this stepfather bill, and I respectfully ask that you vote against the pending motion.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: I haven't spoken on this matter before, but I am quite interested in it. They had a meeting in my town last night with quite a group of citizens, and one of the most interested topics that they seemed to keep coming back to with me at that time was this stepfather's bill. They all were in agreement in one accord, that this was a very necessary piece of legislation to be passed. I know down my way there is going to be an awful lot of unhappy people if this is scuttled now.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am against the motion to recede and concur on this item. It seems very strange to me that we can go along and kill item three with a cost of approximately \$16,000 and then recede and concur with the Senate with a bill that is going to cost five million.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr.

Lund, that the House recede and concur. A division has been requested on the motion. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, the House voted to insist.

Divided Report Tabled and Assigned

Report "A" of the Committee on Constitutional State Reapportionment and Congressional Redistricting, acting by authority of Joint Order (S. P. 106), reporting a Resolve (S. P. 678) (L. D. 1862) under title of "Resolve Dividing the State into 31 Districts for a Choice of Senators" and that it "Ought to pass".

Report was signed by the following members:

Messrs. BERRY of Cumberland
MOORE of Cumberland
WYMAN of Washington
TANOUS of Penobscot
-of the Senate.
Messrs. LUND of Augusta
FINEMORE
-of Bridgewater
PRATT of Parsonsfield
EMERY of Rockland
MORRELL of Brunswick
-of the House.

Report "B" of same Committee, acting by authority of Joint Order (S. P. 106) reporting a Resolve (S. P. 679) (L. D. 1863) under title of "Resolve Dividing the State into 33 Districts for the Choice of Senators" and that it "Ought to pass".

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook
CONLEY of Cumberland
CLIFFORD
-of Androscoggin
-of the Senate.

Messrs. STARBIRD
-of Kingman Township
COTE of Lewiston
KELLEHER of Bangor
MARTIN of Eagle Lake
McTEAGUE of Brunswick
-of the House.

Report "C" of same Committee, acting by authority of Joint Order

(S. P. 106) reporting a Resolve (S. P. 680) (L. D. 1864) under title of "Resolve Dividing the State into 33 Districts for the Choice of Senators" and that it "Ought to pass".

Report was signed by the following members:

Messrs. BIRT of East Millinocket
CURTIS of Orono

-of the House.

Came from the Senate with Report "A" accepted and the Resolve passed to be engrossed.

In the House: Reports were read.

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

Mr. BIRT: Mr. Speaker and Members of the House: This is one of the more important pieces of legislation which we will have before us this session. The reports have been printed but they haven't been circulated. They were printed this afternoon. I think we might both want to have a chance to study them, and I think they may be available at the document room. We do not have them on our desks. I do not think we should make a decision on this until we have had a chance to see it. I would hope that somebody would table this until morning.

Whereupon, on motion of Mr. Starbird of Kingman Township, tabled pending the acceptance of any Report and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I want to ask if the House is in possession of L. D. 401?

The SPEAKER: The answer is in the affirmative, Resolve Reimbursing Donald F. Bartlett for Damage Due to Highway Maintenance, House Paper 301, L. D. 401, on which the House voted to recede and concur earlier in the day.

Mr. DOW: Mr. Speaker, I would like to move that we reconsider our action of earlier in today's session and would speak very briefly to my motion.

The SPEAKER: The gentleman from West Gardiner, Mr. Dow, moves that the House reconsider its action of earlier in the day whereby it voted to recede and concur.

The gentleman may proceed.

Mr. DOW: Mr. Speaker and Members of the House: This is a small resolve, \$341 worth of damage from highway construction to some property in the City of Hallowell owned by Mr. Bartlett.

It was heard by the Legal Affairs Committee, and a representative from the Highway Committee was there at that time. There was no opposition to the payment of this small claim, and that is why at this time I would like to have it reconsidered.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to relate a little tale to you. I would like you to try to follow me if you might. This morning the gentleman from West Gardiner asked me why this bill was getting killed. I told him that I did not know, since leadership had not met on any of the items within the Highway Appropriations table. From practices both now and in the past, the way it has always been handled, it has been the chairman of the State Highway Commission and the chairman of the Highway Committee that has handled the cutting up of the Highway Appropriations table.

After I told the gentleman from West Gardiner this story, then I started checking myself as to what had happened and I would just like to pass it on, and for what it is worth I sort of resent what happened. The resolve was apparently going to be finally enacted, the Highway Commission had agreed to its final passage, that the responsibility was indeed theirs. And lo and behold, about an hour after that the motion was made to take it off the table and then to indefinitely postpone this item which we now have before us.

Upon following this story a little further and listening to the rumor mills that exist during this session and obviously in the halls, I would like to finish this story by telling you what apparently transpired. A gentleman who ran against the gentleman from West Gardiner, I believe he was a former liquor inspector for the State of Maine, sent a note to a member of the other

body and then the matter was taken off and indefinitely postponed. If I cannot find any more reason than that to kill a bill, then so help me, there is something wrong with our system. If everyone agrees that this ought to have been passed, ought to be enacted, then it ought to have been.

I resent what took place, and I think we ought to reconsider it and ship it back to the other body, and I would hope that you would reconsider the matter.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen: I do serve on the Legal Affairs Committee. I heard this case. This is the case of a gentleman—if you are familiar with the Worster House, you cross the railroad track, the second street at the left, it is on a side hill. From 1964 to 1969 many times the culvert was not cleaned out. This was the State's fault, which they admit to us. It flooded this man's land, but at this one particular time this culvert crushed in and it did flood his land. So we asked the Highway Commission if they were in favor of this bill to be paid, and they had no qualms against it, as the gentleman from West Gardiner has told us. And I think this is a legal claim that the State owed and I believe this bill should be paid this man.

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the House reconsider its action of earlier in the day whereby this Resolve was indefinitely postponed. The Chair will order a vote. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 5 having voted in the negative, the motion to reconsider did prevail.

Thereupon, on motion of Mr. Martin of Eagle Lake, the House voted to insist.

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

SENATE REPORT — Ought to pass in New Draft—Committee on Judiciary on Bill “An Act to Correct Errors and Inconsistencies in the Public Laws” (S. P. 479) (L. D. 1594) — New Draft (S. P. 641) (L. D. 1835) under same title. — In Senate, Report accepted, passed to be engrossed as amended by Senate Amendment “A” (S-312)

Pending — Acceptance of Report in concurrence.

The Report was accepted in concurrence and the New Draft read twice. Under suspension of the rules, the New Draft was given its third reading.

Senate Amendment “A” (S-312) was read by the Clerk.

Mrs. Brown of York offered House Amendment “A” to Senate Amendment “A” and moved its adoption.

House Amendment “A” to Senate Amendment “A” (H-503) was read by the Clerk.

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

Mrs. BROWN: Mr. Speaker and Members of the House. I find in the Error and Inconsistencies on page ten a provision to place back in the statutes the right to dig clams for bait on the flats in York. I do not agree with this at this time. I think this is the wrong way to accomplish such a purpose. I have had no requests from any constituent in my area for this legislation. Any such provision as this should have had a hearing.

I would like to give you a brief history so you will understand what has happened. In the 104th Legislature the right to dig clams was repealed for bait purposes in polluted areas. This affected four towns, Biddeford, Kennebunk, Kennebunkport and York. Because clams harvested in a polluted area cannot visually be distinguished from those in the clean area, the chance of these polluted clams getting on the market is very possible. By allowing clams to be taken from a polluted area for any reason other than depuration we stand the chance of losing the state certification by the U. S. Public Health Service, Food and Drug Administration, thereby jeopardizing other

shell fish producers from interstate shipping of the shell fish.

I therefore urge you to vote for this amendment.

Thereupon, House Amendment “A” to Senate Amendment “A” was adopted. Senate Amendment “A” as amended by House Amendment “A” thereto was adopted in non-concurrence.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would like to make some comments on Senate Amendment “A” which was just put on our desks today because I know we don’t want to have any matters of substance in the Omnibus Bill if it is possible to avoid them. I would like to call your attention, therefore, to Senate Amendment “A” which is under filing number 312.

About two thirds of the way down the first page of this 10-page amendment is a proposal that was part of the capitol parking facility bill which we had and the bill itself was killed finally. So actually this is a substantive change. It would allow the BPI, subject to approval by the Governor and Council, to establish user fees for parking facilities within the capitol complex. This is a substantive matter. It was part of the other bill pertaining to a parking garage in this area which was killed, and I want to call that to your attention.

Now I want to call your attention that the latter half of page two and all of pages three, four, and almost all of page five relate to the Land Use Regulation Bill, the bill that was passed recently and signed by the Governor only last week. I don’t have the expertise to know if there are any substantive changes that are objectionable in this. I did call to the attention of the Majority Floor Leader this morning the fact that these three-plus pages did relate to the Land Use Regulation Bill, with which I know he was very much concerned. And I have spoken to someone who was on the other side of the picture to alert them to this, and I just call it to your attention. I can’t vouch for the validity of these

three pages of proposed amendments.

Then at the top of page six we have a proposed amendment that relates to the Forcible Entry Detainer Bill, which is absolutely a new sentence. I did call it to the attention of the gentleman from Westbrook, Mr. Carrier. I know he is very interested in that area of the law; in fact he called it to my attention, and I wish now to call it to your attention.

At the top of page six, Section 46-A, it adds a new sentence to the Forcible Entry Detainer law, which I don't think we have discussed before this year and I don't know that it is objectionable, I just call it to your attention.

On page nine, this title, effect of repeal, as I understand it, this on page nine would provide that in case any tax is repealed by the people, for example the income tax is repealed by the people, that the repeal of that act will not prohibit the collecting of taxes up until the time that the repeal went into effect.

I wanted to call these to your attention.

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

Mr. DONAGHY: Mr. Speaker, I have a question on this bill itself that I would address to any one member of the committee who would care to answer, and it is in the bill on page thirteen, Section 65. I would say, unless they put it somewhere else in the bill, back in the Public Laws, it is quite a change. It refers to political and governmental activities prohibited penalty, and as far as I can see there is going to be no penalty any more in regard to political advertising and I think it involves educational TV at Orono. In other words, we are going to get in politics and nobody can do anything about it unless they put it back in the laws somewhere else.

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

Mr. HEWES: Mr. Speaker and Members of the House: As I understand the law, a court has ruled that this portion of the law is unconstitutional. I don't mean they

ruled that this particular section is, but some other court has ruled that a similar law is unconstitutional. That is my understanding, sir.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to express my personal appreciation to the House chairman of Judiciary and to make these explanations to draw attention to these matters. To the best of my remembrance in the sessions I have been here, this is the first time this has happened in connection with the Omnibus Bill. It was always a great big mystery package that came out in the last few moments and no one took the time to explain to us, and lots of times I felt very helpless and very confused by the whole process, and I want to again thank this gentleman for making the effort in our behalf.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act relating to Amount of Annual Excise Tax on Railroads" (S. P. 369) (L. D. 1108) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-174) and Senate Amendment "A" (S-311) in non-concurrence — In House, adhered to passage to be enacted.

Pending — Motion of Mr. Jalbert of Lewiston to reconsider.

The SPEAKER: Is it the pleasure of the House that we reconsider whereby we voted to adhere? The Chair will order a vote. All in favor of reconsidering will vote yes; those opposed will vote no.

A vote of the House was taken. 92 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

On motion of Mr. Norris of Brewer, the House reconsidered its action of earlier in the day whereby it failed to recede and concur.

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

Mr. McTEAGUE: Mr. Speaker, I wonder if the gentleman from Brewer, Mr. Norris, or some other member could give us an explanation of the effect we would have in each year of the biennium on receding and concurring with the Senate?

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Brewer, Mr. Norris, or anyone who may answer if they choose.

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

Mr. COLLINS: Mr. Speaker and Members of the House: The result of receding and concurring would provide for no revenue loss in 1971 and would reduce the loss in 1972 to \$48,000.

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

Mr. McTEAGUE: Mr. Speaker, I thank the gentleman from Caribou, Mr. Collins, and would pose a further question if he has the information available as to what the revenue loss a year subsequent to the next biennium would be under this act? This was adopted by the other body.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a further question through the Chair.

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

Mr. FINEMORE: Mr. Speaker, I would answer the question if Mr. Collins doesn't care to. That would all depend on the amount of business that the railroad does, which is on the downward trend. So if it continues on the downward trend it would be less than \$48,000.

The SPEAKER: The pending question is receding and concurring. The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

On motion of Mr. Ault of Wayne, under suspension of the rules, the House reconsidered its action of June 21 whereby on Bill "An Act relating to Certain Laws Relative to Great Ponds," House Paper 1374, L. D. 1791, which was recalled from the Engrossing Department to the House by Joint Order (H. P. 1438), it voted to recede and concur.

On further motion of the same gentleman, the House voted to recede.

Senate Amendment "A" (S-297) was read by the Clerk.

Mr. Ault of Wayne then offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-506) was read by the Clerk.

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

Mr. MILLS: Mr. Speaker, I would pose a question through the Chair to the gentleman and ask him to explain what this does.

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to the gentleman from Wayne. Mr. Ault, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. AULT: Mr. Speaker and Members of the House: I would answer the question by saying it is very plainly stated in the Statement of Fact.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

The House voted to recede from adoption of House Amendment "C" as amended by House Amendment "A" thereto, and the Amendment was indefinitely postponed in non-concurrence.

The House voted to recede from adoption of House Amendment "A" to House Amendment "C", and the Amendment was indefinitely post-

poned in non-concurrence.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Jalbert of Lewiston,

Adjourned until nine o'clock tomorrow morning.