

# 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****Thursday, June 24, 1971**

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

Prayer by the Rev. Mr. Calvin Alexander of Gardiner.

The journal of yesterday was read and approved.

The **SPEAKER**: Is there objection to sending all bills that are acted upon this morning forthwith to the Senate? The Chair hears no objection, and it is so ordered.

The **SPEAKER**: The Chair would also appoint at this time **Richard Carlton Scott of Wilton the Page retroactive to June 18 to fill the station of one of our boys that had to leave for Guard duty.**

On the disagreeing action of the two branches of the Legislature on Bill "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) the Speaker appointed the following Conferees on the part of the House:

Messrs. **BRAGDON** of Perham  
**ROSS** of Bath  
**JALBERT** of Lewiston

**Order out of Order**

Mrs. White of Guilford presented the following Order and moved its passage:

**ORDERED**, that **Charlene Elwell**, and **Rebecca Berry** of Buxton be appointed to serve as Honorary Pages 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 Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (L. D. 1347) reporting that the House recede from its action whereby it recommended the Bill to the Committee on Education; recede from the adoption of Committee Amendment "A" and

indefinitely postpone same; 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 with the House. (Signed)

**MILLETT** of Dixmont  
**JALBERT** of Lewiston  
**BIRT** of East Millinocket  
— Committee on part of House.  
**KATZ** of Kennebec  
**MINKOWSKY**

of Androscoggin  
**CHICK** of Kennebec  
— Committee on part of Senate.  
Report was read and accepted. The House voted to recede from its action whereby the Bill was recommended and from its action whereby Committee Amendment "A" was adopted. Committee Amendment "A" was indefinitely postponed.

Conference Committee Amendment "A" (H-507) 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.

**Papers from the Senate**

From the Senate: The following Order:

**ORDERED**, the House concurring, that the Joint Rule number 20 of the 105th Legislature be amended to read as follows:

**20. Conference Committees.** Committees of conference shall consist of three members on the part of each house, representing its vote, and their report, agreed to by a majority of each committee, or unable to agree shall be made within 10 legislative days to the branch asking the conference, and may be either accepted or rejected; but no other action shall be had except through another committee of conference; and be it further

**ORDERED**, that this amendment shall not become effective until adjournment of the 105th regular legislative session (S. P. 683)

Came from the Senate read and passed.

In the House, the Order was read and passed 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 Provide for Full-time County Attorneys in Certain Counties and Four-year Terms for all County Attorneys" (S. P. 657) (L. D. 1845) reporting that the Senate recede from its action whereby it passed the Bill to be engrossed; recede from its action whereby it accepted the "Ought to pass in new draft" Report; substitute Bill, "An Act relating to Powers and Duties of the Attorney General (S. P. 240) (L. D. 701) for the Report; adopt Conference Committee Amendment "A" submitted herewith; and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the House recede and concur with the Senate.

(Signed) TANOUS of Penobscot

HARDING of Aroostook

QUINN of Penobscot

— Committee on part of Senate.

LUND of Augusta

HENLEY of Norway

CURTIS of Orono

— 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 Conference Committee Amendment "A".

In the House:

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I move acceptance of the Conference Committee Report in concurrence and would speak briefly.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the House accept the Conference Committee Report in concurrence. The gentleman may proceed.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This unanimous Conference Committee Report incorporates an amendment which provides that this state-wide prosecutor system envisioned by this bill would consist of assistant attorneys general appointed by the Attorney General and confirmed by the Governor. Each of the principal assistant at-

torneys general would be resident in the District Court district in which he serves. I think this represents a substantial step forward at this session if we can enact this legislation and I would urge your support.

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

Mr. DONAGHY: Mr. Speaker, I would ask a division on this. The gentleman from Augusta has sort of oversimplified this thing. I would repeat what was found in State Government before, that this is no compromise and would not meet with the approval of the people who appeared at the hearing. We were not capricious in State Government in putting out a new bill which actually went back to the special session, and had been killed by the special session because of an error in the date of its going into effect.

Now what you are doing here besides starting to do away with county government because it goes far beyond the county attorney setup. This would be the end of your county government as we know it which in your opinion may be good or bad. I don't know. But I want to point this out to you. Plus the fact that there are only six counties that are really having a problem with this. In other words, we are legislating in sixteen counties for what is happening in six, and I think that there is a better way of handling it. We offered it to you with the bill whereby there would be a full-time county attorney in these six problem counties, and if someone wanted to amend this to change somewhat the assistant county attorneys, this would be possible and amenable. But as far as this Conference Committee Report, I hope that you will reject it.

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

Mr. GAGNON: Mr. Speaker and Ladies and Gentlemen of the House: I have voted both ways on the county attorney bill which was before us for the last several days. I had quite a bit of apprehension as to any piecemeal arrangement. I am in complete favor of this Conference Committee Report as it is.

I think this is an answer to our problem and I think it will facilitate the courts in allowing the courts to have more professionalism in our prosecuting attorneys at the state level. I think this is also good in getting the county attorney system out of the electorate the way it is now.

As you know, I worked with these people years back. I know the problems that they have. We had some county attorneys that did a marvelous job in their part-time capacity. We had others that were completely not suited to the job. I think this is the answer or it will go a long way toward answering the problems of our overcrowded courts, in reducing the dockets by having more professionalism, as I said, whereby the problems that we now have with some of our county attorneys not having the experience and not knowing what to do and causing continuances and delays.

I would hope that we could support this Conference Report. I think it goes a long way toward answering the problems that we now have.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Let me say that I am not against this. In fact I am cautiously in favor of it. I think I shall probably vote for it. I would like to pose one question if I might to the gentleman from Augusta, Mr. Lund.

In his explanation he referred to the fact that these attorneys general would be residents in the areas which they serve. I would like to have him enlarge a little upon that as to whether they would operate out of Augusta or would the attorney general, we'll say, for Aroostook County normally operate out of an office, we'll say, in Aroostook County?

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: To answer the question posed by the gentleman from Perham, Mr. Bragdon, I would call your attention to the Conference

Committee Amendment "A" with the filing number S-316, where it provides that the Attorney General shall appoint at least one assistant attorney general resident in each one of the 13 judicial districts. Now this refers to the present 13 District Court districts which we now have and we are now familiar with.

Each of the—at least one assistant would be resident in each of those districts and would serve that district.

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

Mr. HEWES: Mr. Speaker and Ladies and Gentlemen of the House: In further amplification of Mr. Lund's comments, I believe the Attorney General, however, could have one of the District Attorneys perform services in some district other than the one in which he is a resident if the backlog were such in some other district.

I assume you are all familiar with the 13 districts, or the ones in your areas. I would like to point out that, for example, Franklin County and Somerset County comprise the 12th District. Knox, Lincoln, and Sagadahoc Counties comprise a district. Waldo and Hancock Counties comprise the 5th District. In Aroostook there are two districts, so there would be full-time county attorneys in Aroostook County.

Now this bill provides four major changes from our existing system, as I understand it. Number one, it makes the county attorneys full time rather than part time. Under the present law, the county attorneys may practice law on the side, whereas under this law they must devote all of their time to being county attorney. At least they may not devote any time to outside law practice.

Secondly, the method of selection is different. As you all know we presently elect our county attorneys every two years in November; they are elected by the people. Under this system they would be selected by the Attorney General with the consent of the Governor.

The third change is the length of the term. Presently they are

elected for two years; under this bill they would be for four years.

The fourth change, as I see it, is the change from county attorneys into district attorneys. Presently their jurisdiction is for the particular county in which they live. Whereas this bill would make them or give them a district which might encompass half of Aroostook or three counties along the coast. I personally am in favor of this. I think this is a way to combat the law and order problems that we have. There is terrific court congestion so that justice is not being done in the courts. It has been said that half justice is half injustice. I believe that this is a preferable way of handling the problem over the bill L. D. 332 that is later on our calendar. I am very desirous of course of having Cumberland County obtain some type of full-time county attorney and we still have the other bill as a back up bill, but I would prefer that you vote for this bill and I hope that you will.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: Yesterday I talked for a short period of time in favor of this L. D. 332 and offered an amendment because we have a serious problem in York County. However, I can see—and I didn't realize that we had a better bill in the making here. I would heartily endorse the support for the bill that Mr. Lund has worked out, but I do hope that item four on the calendar is brought to the enactment stage as a back-up bill. This in my opinion is a much better way. L. D. 332 is really a stop-gap measure to take care of an existing and dangerous problem in York County and three or four other counties. This bill is much better.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: My sentiments are basically the same as those of the gentleman from Old Orchard Beach, Mr. Farrington. This is a better solution. This provides for full-time professional

prosecution. The only ones really in the long run who are the winners under the present system are those who commit crimes and who are not convicted because of inadequate prosecution. This bill would give the police and the public a fair and equal chance by providing them with counsel that can spend as much time and do as good a job as defense counsel does now.

I would ask the members of the House to consider that the people who have been in favor of this concept are former county attorneys, former and current defense counsels and former law enforcement officers. The people that are in the field I think are uniformly in favor of this concept and I would hope that you would go along with it.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I don't wish to prolong this debate, but I think that that last statement should be questioned because Mr. McTeague was not at the hearings. In my opinion, as I recall these hearings, this was not true from the testimony. As a matter of fact, I had hoped to be recognized for a little bit of rebuttal on Mr. Lund's statements. I think that this is strictly a parochial thing as far as some of the attorneys in these larger counties. They have not bothered to listen or find out what people in the other counties think about this prosecution deal.

I am the first to admit that I am strictly a layman, but I have kept my ears open and I want the best for the people of the State of Maine. I am not worried about whether the prosecuting attorney has an easy time of it or whether the defense attorneys, such as the last gentleman to speak, Mr. McTeague of Brunswick, if he doesn't have a very good prosecuting attorney, it will be much easier for his defense.

I think that we had better remember that we have here truly a lawyer's bill, and we as laymen, most of us, better do some real thinking on this along the lines of what is going to happen to our people in our locality and I am

sure that you are well aware of what does go on in the courts and the needs of the courts in your counties, whether you want to be jumbled in with three other counties because you happen to be small, this type of thing. This is not as simple as Mr. Lund would have you believe.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as the ideas of the layman have been injected into it by Mr. Donaghy, I would like to project my layman's ideas. Of course I was a member of the Committee of Conference. I did not attend the committee hearing, but I feel that there are certain things that we must settle here in these halls; one of them is an improvement in our law enforcement procedures. I think that we would all, if we were asked to vote on this board right now, if we were asked to vote, are we getting a hundred per cent of what we feel are proper convictions in our courts how many of us would punch our green buttons? I doubt if there would be many, if any.

Something has to be done. And I think one of those things is to get away from some of our horse and buggy ideas on prosecution. It is very evident, because of the follow-up and the support for the full-time county attorney wanted for Cumberland County, and then the other counties who hurriedly tried to get on the wagon, that it is felt that that is a step in the right direction. But as the gentleman from Old Orchard said, it was merely a stopgap. And now that we have a far better vehicle, why not take this better vehicle and ride it?

It is said that there were only a few counties that need it; I will differ with that statement. I think that every county needs to have their legal prosecution improved. I am not specifically criticizing any county attorney. I am saying that where they are carrying on their local practice, making their living and prosecuting cases at the same time, that there must very definitely be gaps and there must very definitely be vacuums that

should be filled by a full-time system.

The full-time district attorney system is a must which has to come sooner or later, and it cannot do anything but improve our system. It has got to go to the better and not to the worst, and this certainly is a vehicle to start it in the right direction. I hope that you will pursue it rather than to throw it aside and to take the other stopgap measure which only handles two or three counties.

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 speak as another layman from a small county and support the position of the previous speaker, Mr. Henley of Norway. Obviously I am just looking at it from the standpoint of an average guy who has seen this increase in the incidence of crime in our State of Maine and the horrible failures that our system is having in prosecuting these people.

We have had a reaction from the gentleman from Scarborough, Mr. Cagnon, a former police officer, and I read into his remarks the sort of reaction I get in talking with the police people in my area, that it is a terribly disheartening thing to prepare cases and take them to the court, and through either inadequate or complete lack of preparation, to have these people who are so obviously guilty turned loose on society to be performing these same outrageous acts right within days. It is discouraging to our people and it is going to continue until we face up to it.

Now there may be certain legal people, in my opinion, of a very low degree of competence, or perhaps retirees who are happy to go and visit the courthouse and hang around and may even come here and say we like this system that we have, but they aren't doing the job; the records show it. Our police officers have become so disheartened that it is hardly worth their time to bring these people into court when you have a situation — in my county the annual pay for a county attorney is

about what a competent attorney would get paid for defending just a handful of these people who are violating our laws and stealing property, and drug abuse and all of the horrible things that we have in our state now.

I think that through a sense of false economy or something at the county level we are attempting to keep our level of salary way down on these, and in an attempt to get something for nothing we are getting just what we are paying for. We are getting no prosecution. In many of these courts it is just a laughing matter where they have caught people red-handed, bring them in, and through either no preparation or amazingly low degree of competence these people are right out and are at it again. I hope we will give good support to this bill today so that we can start to move in on this horrible crime situation that we have in the State of Maine now.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I come from this three-county district that was mentioned, Knox, Lincoln and Sagadahoc. I am only too willing to give up our county attorney for Sagadahoc for this much better idea today.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If we are ever to get out I am only too willing to have us vote on this thing and then work on number four, bring both of them up to enactment stage and then talk about them, because if you don't do that pretty soon, ladies and gentlemen of the House, you can forget about getting out of here this weekend. Because I said two weeks ago I would never make a previous question motion here, I am not going to make one, but I am thinking about it.

The SPEAKER: All in favor of accepting the Conference Committee Report in concurrence will vote yes; those opposed will vote no.

A vote of the House was taken.

123 having voted in the affirmative and 2 having voted in the negative, the motion did prevail.

The House voted to recede and concur in substituting the Bill (S. P. 240) (L. D. 701) for the Report. The Bill was read twice. Under suspension of the rules, the Bill was read the third time.

Conference Committee Amendment "A" (S-316) was read by the Clerk and adopted in concurrence. The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

Sent forthwith to the Senate.

#### Report of Committee Ought to Pass Indefinitely Postponed

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Use of Previous Convictions under the Implied Consent Law" (S. P. 391) (L. D. 1144)

Came from the Senate with the Report accepted and the Bill indefinitely postponed.

In the House, the Report was read and accepted in concurrence and the Bill read twice. Under suspension of the rules, the Bill was read the third time.

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

Mr. LUND: Mr. Speaker, I would move that this matter be indefinitely postponed and would speak briefly.

The SPEAKER: The gentleman from Augusta, Mr. Lund, now moves that L. D. 1144 be indefinitely postponed.

The gentleman may proceed.

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: This bill relates to the utilization of prior convictions and how they may be treated with regard to convictions under the Implied Consent Law. The provisions of this bill are already incorporated, I believe, in the larger Implied Consent Bill that we have already passed, and we can safely move indefinite postponement of this bill.

Thereupon, the Bill was indefinitely postponed in concurrence.



**Non-Concurrent Matter  
Tabled Later in the Day**

Bill "An Act Providing for Full-time County Attorneys for Certain Counties" (H. P. 194) (L. D. 332) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A", "B" and "C" in the House on June 23.

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

In the House:

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

Mr. HEWES: Mr. Speaker and Members of the House: In line with the recommendation of the gentleman from Lewiston, Mr. Jalbert, I would hope that someone would table this until later in today's session, until item two reaches the enactment stage.

Whereupon, on motion of Mrs. Wheeler of Portland, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter**

An Act relating to the Control of Dogs (H. P. 270) (L. D. 359) on which the House voted to insist on June 23 on its former action whereby the Bill was passed to be enacted.

Came from the Senate with that body voting to insist on its former action whereby the Bill was indefinitely postponed in non-concurrence, and asking for a Committee of Conference with the following Conferees appointed on its part: Messrs. BERRY of Cumberland

CONLEY of Cumberland  
HARDING of Aroostook

In the House: On motion of Mr. Ross of Bath, the House voted to further insist and join in the Committee of Conference.

The Speaker appointed the following Conferees on the part of the House:

Messrs. GOOD of Westfield  
COLLINS of Caribou  
KELLEHER of Bangor

**Non-Concurrent Matter**

An Act Establishing a Human

Rights Commission (H. P. 507) (L. D. 659) which was indefinitely postponed on passage to be enacted in non-concurrence in the House on June 23.

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

In the House:

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

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

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

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Two years ago this legislature passed a bill called the Mills bill. In essence it said that any place which discriminated against anyone would lose their liquor license. It was aimed at the Cumberland Club at Portland, and not especially aimed at Negroes.

However, some clever, ambitious young barrister from the Pine Tree Legal Assistance group was shown an Elks application membership. He noted therein the "white only" clause, and with great glee he tried to close up all of the Elks Clubs in the state by denying their liquor license, which is their chief source of income.

Each lodge would like to remove this "white only" clause, but the national association won't let us. We are locked in. I notice that the City of Portland Elks Lodge has done just that. They will probably be disassociated with the national lodge.

I tried to amend this law, and just change it by saying that it would not apply to private clubs who choose their members by vote. This is in accord with the federal law now. This House, in its self-righteousness, and being afraid to be called bigots, turned this down. Where were the voices of our two chief proponents of individual rights, so they say, the loquacious Messrs. Call and Carrier? I guess

this didn't affect them. They were conspicuous by their silence.

If this House was sincere in turning down this simple amendment, I don't see how in your conscience you can vote exactly the opposite way and vote against this bill. Discrimination exists everywhere. It is only by human nature. Could I join the Knights of Columbus? No. Could I join the League of Women Voters? No. I once applied to join a club in Florida, and I was turned down; and contrary to the beliefs of my friend Mr. Francis B. B. Brawn, I was turned down because I could not prove that I was worth a million dollars. And that stipulation was in their charter.

This bill is not aimed at Negroes, Jews, WASP's, or any other class of people. Its sole principle is equality for all, and I agree with it. I will not read a poem like Mr. Call did, but I will recite excerpts as I did on the Floor of the 102nd, from Mr. Rudyard Kipling.

"You may talk o' gin and beer  
When you're quartered safe out  
'ere,

An' you're sent to penny-fights an'  
Aldershot it;

But when it comes to slaughter  
You will do your work on water,  
An' you'll lick the bloomin' boots  
of 'im that's got it.

I shan't forgit the night  
When I dropped be'ind the fight  
With a bullet where my belt-plate  
should 'a been.

I was chokin' mad with thirst,  
An' the man that spied me first  
Was our good old grinnin', gruntin'  
Gunga Din.

'E lifted up my 'head,  
An' he plugged me where I bled,  
An' 'e guv me 'bout-a-pint o' water-  
green:

It was crawlin' and it stunk,  
But of all the drinks I've drunk,  
I'm gratefulest to one from Gunga  
Din.

Yes, Din! Din! Din!  
You Lazarushian-leather Gunga  
Din!

Though I've belted you and flayed  
you,

By the livin' Gawd that made you.  
You're a better man than I am,  
Gunga Din.

You should consider this parable  
very carefully. Then if you want

to vote against the minorities it is  
your conscience and not mine; and  
I move that the vote be taken by  
the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelly.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: This morning I urge you to take a last look around before you push the people of the State of Maine into this purgatory. Because what you are going to do if you accept this is to legitimate a witch-hunt. And the principal targets will be motel owners, public accommodations, employers—and also don't forget this, those of you who have read this bill, I would call your attention to these two lines. The Commission has the duty of investigating all conditions and practices within the state which allegedly detract from the enjoyment, so on, and so on. Nothing is said about the bond complaint; nothing. The Commission can evidently take it upon itself to make these investigations, and a particularly venal Commission could do just that. They make this something reminiscent of the Spanish Inquisition, if you will.

Also this bill will become part of the Part I budget hereafter, and forever and a day. And each bienium they will always ask for a larger share at the public trough. Particularly just before the new budget is to be submitted they will drag in a few sacrificial victims to show you that they are justified in asking for this greater budget.

This is about as unnecessary a piece of legislation as could be imagined, and I for one find it ironic that the State of Maine, which furnished more troops to the Union Army than any state in the Union for its size, should 106 years later, because of someone's misplaced guilt feelings, see this Legislature fasten a straitjacket on its citizens.

Now I would like to make a few comments on the repeated comments of the gentleman from Bath. Over the past few days he has given us a classic demonstration of me-tooism. And I know he has an excellent sense of humor. He is one of the first friends that I made

when I was up here as an employee of the 103rd Legislature; and I am sure that he will recognize the humor in this.

First of all, he was one of the prime movers for the four-year term of Governor; Now twice this winter he allowed that that was a mistake. He was also the prime mover in getting the county clerks taken off the ballot. You all remember the horror show that we went through in the 104th getting them back on the ballot. He also told us that he voted for the Super University, but lately he has had doubts about that. Originally, in the beginning—to quote the Good Book—he was against the human rights bill. But now in this Legislature he has publicly recanted his previous heresy.

I think that we should take his recommendations with a large grain of salt and I would like to quote a poem from Robert W. Service which I think the gentleman is very familiar with. And I will only read the first lines.

“They range the fields, they rove  
the flood,  
They enclimb the mountain’s crest.  
Their’s is the curse of the gypsy  
blood  
And they don’t know how to rest.  
If they went straight they might go  
far,  
For they are strong and brave and  
true.  
But they are always tired of things  
as they are,  
And they want the strange and the  
new.  
They say, ‘Could I find my proper  
groove,  
What a deep mark I would make.’  
So they chop and change, and  
each fresh move  
Is only a fresh mistake.”

I move that we adhere. I hope that you vote against the motion to recede and concur.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I stand before you this morning because I am against any new commission. I am not against this particular commission, I am just against creating any new commissions. And especially where

the need hasn’t been proven to my satisfaction that we need this new commission.

Now I suspect there are those here that have got to find some ward heeler a job, and we have already put to my best knowledge nearly 500 on the payroll, and they see a chance here where they can put a few more on. Now this I am opposed to.

I probably could think of a lot of commissions we could have that we don’t have. We have got quite a few, but there are still a few we could have. We could have a commission to administer birth control pills, and we could have one of these commissions to look after widows and grass widows; and we could have many other commissions. But I don’t have any ward heelers to find a job for, and I wish the rest of you didn’t, because I don’t think there is any need for these commissions.

I want to remind you that this will certainly be on Current Services budget, if you pass it, next year. We are only asking probably for seven men this time, but that is only to get the carpet laid and find out how many typewriters and automobiles they need, and things of this nature. Next time the legislature meets you will find a tremendous bill. I am only going by past experience in my longevity here. I have seen many of these small commissions turn out to be great monstrosities, and I am sure this one will. I am sure there is no problem in the State of Maine, and if there was the federal government has adequate laws, and they would be dealt with.

I know some of these people as well as you people that know me, they know that I know some colored people, and I am quite friendly with some. And I know they don’t feel there is any need for this at this time, the ones I know. I suspect there are a few barefoot ones that have some complaints; they can’t go in a certain store or something. But I assure you the decent ones are having no problem in this state at the present time, and will continue not to have whether we have this commission or not. I urge you not to recede and concur.

Mr. Porter of Lincoln 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.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In our debate yesterday, perhaps of necessity, the previous question was also moved, and it happened at that time that I believe at any rate the gentleman from Westbrook, Mr. Carrier had some thoughts that he wanted to express on the record. Frankly, under reconsideration yesterday, only proponents spoke, and I think that was unfortunate.

I know we all want to get out of here. I know that it costs money to stay here. As a matter of fact, during this session, and in the past one, we frankly spent more time and more money at the rate of \$10,000 a day debating this bill than is involved in it. But on the thought that there might be some other member who might want to say a few words concerning the bill, I hope that you will not vote for the previous question. And I would say right off that I am not one of the members that wish to say anything more on the bill at this time. But in case anyone does, I would hope we would give them a chance.

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

Mr. ROSS: Mr. Speaker and Members of the House: The gentleman from Machias, Mr. Kelley,

made some insinuations about me that I might like to answer. But I do not want to answer them here, I want the previous question now. So I think it should be put now.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: We have debated this question fully several times before this House, and I certainly hope that we would call for the previous question. I love the poetry and the rhetoric; I really don't think we need it. I think everyone has made up their mind, so let's have the vote this morning.

The SPEAKER: Shall the main question be put now? The Chair will order a vote. If you are in favor of the main question being put now you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 84 having voted in the affirmative and 22 having voted in the negative, 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 Bath, Mr. Ross, that the House recede and concur on Bill "An Act Establishing a Human Rights Commission," House Paper 507, L. D. 659. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Barnes, Bartlett, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Carey, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Drigotas, Farrington, Faucher, Fecteau, Fraser, Gagnon, Genest, Goodwin, Hancock, Hayes, Hewes, Jalbert,

Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lessard, Lewis, Lund, Lynch, Mahany, Marsh, Marsteller, Martin, McKinnon, McTeague, Millett, Mills, Morrell, Murray, Norris, Orestis, Ross, Santoro, Slane, Smith, D. M.; Smith, E. H.; Starbird, Theriault, Tyndale, Vincent, Webber, Wheeler, White, Whitson, Wood, M. E.

**NAY** — Ault, Bailey, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Call, Carrier, Clark, Crosby, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, E. M.; Evans, Finemore, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Hodgdon, Immonen, Kelley, K. F.; Lawry, Lee, Lewin, Lincoln, Littlefield, MacLeod, Maddox, Manchester, McCormick, McNally, Mosher, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Scott, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Susi, Trask, Wight, Williams, Wood, M. W.; Woodbury.

**ABSENT** — Brown, Churchill, Collins, Curran, Emery, D. F.; Gauthier, Gill, Herrick, Lizotte, Lucas, McCloskey, O'Brien, Pontbriand, Rocheleau, Sheltra, Shute, Stillings, Tanguay.

Yes, 73; No, 59; Absent, 18.

The **SPEAKER**: Seventy-three having voted in the affirmative fifty-nine in the negative, and eighteen being absent, the motion does prevail.

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

Mr. **JALBERT**: Mr. Speaker, I move we now reconsider our action whereby we receded and concurred and when you vote against me.

The **SPEAKER**: The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby it receded and concurred. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 70 having voted in the negative, the motion to reconsider did not prevail.

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

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

Mr. **CARRIER**: Mr. Speaker, I would ask for an unusual permission. Is it against the rules to address the House on this particular bill we just enacted? Is it permissible?

The **SPEAKER**: The bill is not before us. Does the gentleman request unanimous consent to briefly address the House?

Mr. **CARRIER**: I so request.

The **SPEAKER**: The gentleman from Westbrook, Mr. Carrier, requests unanimous consent to briefly address the House. Is there objection?

(Cries of "Yes")

The **SPEAKER**: The Chair hears objection. The gentleman is out of order.

#### **Non-Concurrent Matter**

Joint Order relative to Duties of Clerk of the House and Secretary of Senate when Legislature not in session (S. P. 665) which was passed as amended by House Amendment "A" in non-concurrence in the House on June 18.

Came from the Senate with that body voting to adhere to its action whereby the Order was passed without Amendment.

In the House: On motion of Mr. Porter of Lincoln, the House voted to adhere.

#### **Messages and Documents**

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 Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, 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).

The President appointed the following members of the Senate to the Committee of Conference: Senators:

SEWALL of Penobscot

JOHNSON of Somerset  
VIOLETTE of Aroostook  
Respectfully,  
(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Orders

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

Mr. BIRT: Mr. Speaker, I would ask if the House is in possession of L. D. 428, please.

The SPEAKER: The answer is in the affirmative, Bill "An Act to Create the Maine Historic Preservation Commission," Senate Paper 159, L. D. 428, on which the House voted to recede and concur yesterday.

Mr. BIRT: I move that we reconsider our action of yesterday whereby we voted to recede and concur and I would speak briefly to that motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House reconsider its action of yesterday whereby it voted to recede and concur.

The gentleman may proceed.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: Relative to historic preservations, there is a good deal of federal money involved with this. There is a good deal of paper work. And in a state that has a historical heritage as the State of Maine does, there should be a deep desire to want to preserve as much of this historical preservation as we can, before it is completely all destroyed in succeeding generations and we will not be able to take advantage of what has been left to us.

My understanding in talking with the chairman of the Appropriations Committee is that money is available, they have made the decision that money is available for the funding of this bill. If we move to recede and concur, I will then move to insist and send this back to the Senate for enactment.

The SPEAKER: Is it the pleasure of the House to reconsider whereby we receded and concurred on yesterday?

Whereupon, Mr. Lee of Albion requested a division.

The SPEAKER: A division has been requested. All in favor of reconsidering will vote yes; those opposed will vote no.

A vote of the House was taken. 62 having voted in the affirmative and 28 having voted in the negative, the motion to reconsider did prevail.

Whereupon, Mr. Birt of East Millinocket moved that the House insist.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I don't know of anybody in this House that is more interested in preserving the antiques and one thing and another of the State of Maine and if you will come up to my home I will show you why.

This is just another instance of creating a bigger commission, more people, and it would be in the Part I budget next time. I am against it and I will stay that way.

The SPEAKER: The Chair will order a vote. If you are in favor of the motion to insist you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 41 having voted in the affirmative and 39 having voted in the negative, the motion to insist did prevail.

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, a Joint Select Special Committee on Governmental Reorganization, consisting of 10 members, 3 of whom shall be members of the Senate appointed by the President of the Senate and 7 of whom shall be members of the House appointed by the Speaker of the House and President of the Senate and the Speaker of the House, serving as ex officio members, is hereby created and appointed for the purpose of reviewing all of the governmental reorganization bills, so-called, which have been enacted into law, namely:

P. L. 1971 c. 499, AN ACT to Create the Department of Manpower Affairs.

P. L. 1971 c. 491, AN ACT Relating to a Department of Natural Resources.

P. L. 1971 c. 488, AN ACT Relating to a Department of Consumer Protection.

P. L. 1971 c. 489, AN ACT to Create the Department of Environmental Protection.

P. L. 1971 c. 490, AN ACT Relating to the Department of Agriculture.

P. L. 1971 c. 493, AN ACT to Create the Department of Human Services.

P. L. 1971 c. 496, AN ACT to Create the Department of Public Safety.

P. L. 1971 c. 497, AN ACT to Reorganize the Department of Finance and Administration.

P. L. 1971 c. 495, AN ACT to Create the Department of Military and Civil Defense.

P. L. 1971 c. 481, AN ACT Relating to a Department of Commerce and Industry.

P. L. 1971 c. 498, AN ACT to Create the Department of Transportation.

P. L. 1971, c. 492, AN ACT to Reorganize the Department of Education.

P. L. 1971 c. 494, AN ACT Relating to the Secretary of State, all in order that the Committee, with the assistance of the several commissioners, draft legislation to be presented to a Special Session of the 105th Legislature to amend, repeal and rearrange the statutes to reflect the various reorganized departments' powers, responsibilities and organization.

The Committee shall act as expeditiously as possible and shall report to a Special Session of the 105th Legislature in such a manner as the Committee deems appropriate. The report of the Committee shall include the personnel and financial requirements and details of the various departments and parts thereof, both before and after reorganization.

The Committee shall proceed in its work with the aid and assistance of the Attorney General's Department, the Director of Legislative Research, the Legislative

Finance Officer and the State Planning Office. The Committee may require from any state department, board, commission, authority, or agency, or any other agency or entity, whatever aid, assistance or information it may need to carry out and expedite the committee's duties; and further, said committee may employ such assistants, clerks, attorneys, agents or advisors as it shall deem necessary.

The Committee shall have the authority to recommend transfers of functions not provided for in the reference bills.

The Committee members shall be reimbursed for their actual expenses entailed in their service as the Committee, with the exception of mileage, which shall be paid at the same rate received by state employees.

There is allocated to the Committee from the Legislative Account the sum of \$10,000 to carry out the purposes of this Order. (H. P. 1443)

The Joint Order received passage and was sent up for concurrence.

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

ORDERED, the Senate concurring, that the uniforms procured for the Senate and House Officers become their property at the end of their terms of office. (H. P. 1444)

The Joint Order received passage and was sent up for concurrence.

Mrs. Payson of Falmouth presented the following Order and moved its passage:

WHEREAS, Miss Allyn Warner of Falmouth has been selected from a field of 8 talented entrants in the annual state pageant to be Miss Maine for 1971; and

WHEREAS, this attractive five-foot-nine sophomore who is a student at the Boston Conservatory of Music, has previously compiled a string of beauty and talent contest triumphs as a teenager, at 15 years having been chosen to be the 4th national runner-up in beauty in the Miss High School of America

Talent Queen competition, at 16 years was selected as Miss Teen Age Boston and at 18 years won her first Miss Greater Portland title; and

WHEREAS, Allyn previously dropped out of the running for Miss Maine in order to concentrate on her studies which have prepared her for professional credit, including summer stock at the Brunswick Music Theater, which studies and experience will help her to better represent Maine in the Miss America contest at Atlantic City, New Jersey; and

WHEREAS, for the next 12 months, Allyn will represent the people of the State of Maine at many varied functions; and

WHEREAS, the people of Maine are justly proud of Allyn and her accomplishments; now, therefore, be it

ORDERED, that the House of Representatives of the 105th Legislature of the State of Maine extend congratulations to Miss Warner for her achievement and the warmest wishes for her future happiness and success; and be it further

ORDERED, that attested copies of this Order be immediately transmitted by the Clerk of the House of Representatives to Miss Warner and her parents.

The Order received passage.

#### Indefinitely Postponed

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that legislative pay be adjusted upward to \$7,500, the "fat cats" to receive the full benefit and the "under fed cats" to receive a lesser amount and in line with policies of some other departments of state, each Legislator will certify his own category.

The SPEAKER: Will the gentleman explain the category?

Mr. DAM: Yes, I request permission to speak briefly to my order. The reason for presenting this order was after the proposal of yesterday, An Act Proposing Salary Adjustment to Certain Unclassified State Officials, and then reading in the Horseblanket that one gentleman stating "I hope you

will kind of go along with listening to me at this time, I will try at this time to approach this from a different angle. I have told you before that this is not a salary increase bill. This is a way to salary administration vehicle to handle the proposition."

In this order this is not an increase; this is a salary adjustment. And since we always give big raises to those that are heads of departments, but not to those that are in more lesser jobs, the menial jobs of the State, I feel that the fat cats also should receive the full amount under this order.

Then in line with the other policies of the State, namely where you can certify your need, your own need for welfare with no investigation by that department, I would hope that we could certify our own need. I would like to explain the 'fat cat' that I have been referring to. This is not a fat cat as far as physical appearance; I am referring to fat cat as far as a fat pocketbook.

Now back in my town a couple of years ago there was a woman, a nutritionist from the Department of Health and Welfare, that spoke to a group of people, and she said that many people looked upon fat people as being very prosperous and well fed; but this was not so. Because the fat people, there are more fat people with large stomachs in the poorer class of people than there are in the fat pocketbook class of people; and the reason for this, the poor people can't afford the steak and the high protein food, so they have to eat more potatoes and more bread and rice and starchy foods. And maybe that's one reason why my front window protrudes more, because I don't have so much steak as some of the real fat cats.

But if this order could receive passage of course I would like to be classified as a fat cat so I could receive the full \$7500.

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

Mr. SUSI: Mr. Speaker and Members of the House: I hate to oppose this because I weigh over 160 pounds myself, but I don't



think it should be in our record and I hope you vote against it.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that this order be indefinitely postponed. Is this the pleasure of the House?

Thereupon, the Order was indefinitely postponed.

#### Passed to Be Enacted

An Act relating to Amount of Annual Excise Tax on Railroads (S. P. 369) (L. D. 1108)

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

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

Mr. CYR: Mr. Speaker and Members of the House: I move to indefinitely postpone this item and I would like to speak to my motion.

The SPEAKER: The gentleman from Madawaska, Mr. Cyr, now moves the indefinite postponement of L. D. 1108. The gentleman may proceed.

Mr. CYR: Mr. Speaker and Members of the House: Now that it is vulnerable I hope that you will come along with me and vote for the indefinite postponement of this bill.

I mentioned to you yesterday the bill now as amended calls for only \$48,000. Now if the railroads are that close to bankruptcy I don't believe that that \$48,000 is going to help them. I also brought out to you yesterday that their own spokesmen have mentioned that through their own inefficiency just for the potato industry they have lost \$5 million the past five years in volume, due to their own fault.

I also mentioned to you before that President Miller himself admitted that by merging these two railroads they could save themselves \$1 million a year through savings in administration and management. I think that is the avenue that the railroads should follow. I am in sympathy with the railroads and the plight that they are going through. But I do not believe that the State of Maine should pick up the tab for it. I also believe that if this Legislature does allow this bill to go through, and funds it to the tune of \$48,000, and

have refused other bills that are really needy, I think that this Legislature would receive more than \$48,000 worth of adverse publicity in the newspapers and we would be deserving of it. So I move the indefinite postponement of this bill and all its accompanying papers and hope that you come along with me.

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: Honestly I didn't know when I came in here this morning that I was going to say anything on this bill, but I cannot resist.

The gentleman from Madawaska in my opinion is completely unfair in his claims with regard to the inefficient methods of Maine railroads. He calls attention to the amount of potato shipments that they have lost. I assure you, and I know the potato industry, that the Maine railroads, and that is what we are talking about, these Maine based railroads are in no way responsible or does Mr. Cyr's accusation of inefficiency as the reason for their losing revenue out of the potato shipments, there is no fault that can be laid to the door of either of these Maine railroads. The problem with the potato shipment deal is entirely beyond the areas or the control of these Maine roads. They have done everything in their power to make the shipments of potatoes practical. The problem that has happened is that the shipments have got on other roads that have not made an attempt to make quick deliveries and things like that. So as far as the Maine roads this accusation is completely unfounded.

Now because of the conditions of the times the roads obviously, as we all know, are losing revenue. And for that reason, it seems only fair to me that we should grant them some relief in the way of excessive taxation. We have gone ahead, we voted big bond issues for highways. We have made it possible for a competitive industry, namely the truckers, who do not have to maintain their own rights of way and things like that, and as far as the potato industry is con-

cerned, the truckers have come in and made better conditions for delivering potatoes than these roads can do through no fault of their own, because they have to connect with other carriers that are not cooperating with the industry.

Now I am sure that the Maine roads have done everything they can to seek this cooperation of other roads that they have to connect with and have not been too successful, and I see no sense in blaming them for something that they are not to blame for. We know that their revenues are falling off and I feel that under those conditions we cannot wisely continue to excessively tax them beyond their reasonable ability to pay.

I hope you will vote down the motion of the gentleman from Madawaska, Mr. Cyr, to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Over the last six months I have grown to know, like and respect the gentleman from Madawaska, Mr. Cyr, and I listened to his arguments the other day and I finally went to the source that he mentioned in his remarks today. Had he not I would not mention the man's name, and I speak of E. Spencer Miller, President of the Maine Central Railroad.

The gross receipts—and I went to him over the phone and asked him personally what the situation was. The truth of the matter is this. The gross receipts keep going down to a point where they are hard put to meet the payments of their excise taxes. He certainly tells me that it would be a great relief to him if the gross receipts would go up so that he wouldn't have to come with his hat in his hand before this body at any time.

I might say to you that as far as I am concerned, or any of you who know Mr. Miller, then my words, you know, are sound. For those of you who don't know him, he is a man of the highest integrity, complete honesty, and one of the most influential — not influential men as far as influence peddling is concerned, but

influence as far as sound and good advice that I know. And when I went to him because of the arguments of the gentleman from Madawaska, Mr. Cyr, I got my answer. And certainly my answer was good enough for me, and I certainly hope that the motion to indefinitely postpone does not prevail and when the vote is taken I move it be taken by the yeas and nays.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This bill came out of the Taxation Committee. I happen to be chairman of that group. The original bill called for \$400,000 each year of the biennium. The Committee cut this to \$200,000 but still we didn't have the money. The Senate amended it to \$4,500 only in the second year. It is token help only, but it does prove our sincere wish that our railroads can keep operating for the future.

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

Mr. CYR: Mr. Speaker and Ladies and Gentlemen of the House: Where my integrity has been attacked, I think I should answer. The gentleman from Perham, Mr. Bragdon, mentioned that he didn't believe or he doubted my remarks in regard to the potato industry.

I read to you yesterday, and I will read to you again, an article that appeared in the Bangor Daily News yesterday morning on the front page. I will read you just the last paragraph.

Attorney Battle said, "Financial soundness of the three carriers has 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 the three lines has dropped from 15,000 carloads annually to 5,000 carloads. The result has been a \$5 million annual loss'"—in fact \$5 million annual loss — I thought it was \$5 million for the five years. It is worse than what I thought. " '\$5 million annual loss in gross revenue to the three lines.' Battle blamed poor services exclusively."

Now at the hearing I asked a lot of probing questions in regard to this and in regard to whether or not the railroads had done everything possible to increase their volume and increase their revenues, used that avenue to do it; and I was told it was so. I voted for that bill to come out of Committee with a little arm twisting.

But then the next day after we had voted this out appeared the first article in the Kennebec Journal in regards to the battle between Dumaine and Miller as to the merging of these railroads. And in that article it quoted President Miller stating that if the two lines were merged, the administration and management were merged, that they would save themselves \$1 million a year. And I still claim that that is the avenue they should follow.

Now Mr. Bragdon knows — he is a farmer and he knows that farmers do not make money every year. When he loses money does he go to the town office and ask for a rebate on his taxes? This is exactly what they are asking you. Now they are asking you for a token contribution this year of \$48,000, but this legislation will then be on the books. At the next session this will appear in the Part I of your budget. You can be sure of that.

I do not intend and do not wish to cast stones at our Maine railroads. I think they have possibly done as good a job as possible, as they can do. But at the same time I think that they should work together with the other railroads and if it is volume that they need, and to get that volume that they have to improve their services, I say that is the avenue they should follow. I still believe that this should be indefinitely postponed.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I hope that those of you who followed me around the parliamentary mulberry bush yesterday will vote for indefinite postponement this morning. I don't see how we can in

good conscience vote against help for unemployed fathers and then turn around and vote for some welfare for the railroad companies.

The railroads are in no greater financial trouble than a man with a family who is out of work.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to correct the record. I guess this morning I got carried away with Rudyard Kipling and Robert Service, who by the way is my favorite poet. I mentioned a figure of \$4,800 dollars and it should have been \$48,000.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Cyr, the gentleman from Madawaska, keeps mentioning the fact that next year we will have this in our budget. This will never be a budget figure because this is just a loss of revenue. It is not a budget figure, we are just going to lose \$48,000 from our anticipated revenue in the next two years.

And again, I dislike personalities figured into the bills in here because I do a lot of business with the railroad; I have in the past. I have shipped as high as 660 cars with the B&A in one year, and I have found them very good to do business with. I know there are times when we are all aggravated when we don't get a car the day we are supposed to get it, but we have got to take that into consideration. And I do also believe that if we could subsidize this railroad, we will say, to the extent of \$48,000 in 1972 why probably we could stop them from getting a subsidy from the government. Maybe we could make them self-supporting. I hope you will go against this motion to indefinitely postpone.

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

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

House. I would like to concur with Mr. Cyr of Madawaska. If you open the door and start subsidizing this firm here, you will have many more firms coming in here to be subsidized, and the taxpayers of this State will pay heavily if this passes.

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 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 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 Madawaska, Mr. Cyr, that L. D. 1108 be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. Cyr, that An Act relating to Amount of Annual Excise Tax on Railroads, Senate Paper 369, L. D. 1108, be indefinitely postponed in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

### ROLL CALL

YEA — Bartlett, Bedard, Bernier, Berry, G. W.; Berube, Binnette, Bourgoin, Brawn, Carey, Carter, Cyr, Dam, Dow, Doyle, Drigotas, Dyar, Emery, D. F.; Farrington, Fecteau, Gauthier, Goodwin, Henley, Herrick, Hewes, Lawry, Lessard, Lewis, Littlefield, Lynch, McCormick, McKinnon, McTeague, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Smith, E. H.; Tanguay, Theriault, Tyndale, Vincent.

NAY — Albert, Ault, Bailey, Baker, Barnes, Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Bunker, Bustin, Call, Carrier, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dudley, Emery, E. M.; Evans, Faucher, Finemore, Fraser, Gagnon, Good, Hall, Hancock, Hanson, Hardy, Haskell, Hawken, Hayes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lewin, Lincoln, Lund, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McNally, Millett, Mills, Morrell, Mosher, Murray, Norris, O'Brien, Orestis, Page, Parks, Payson, Porter, Pratt, Rand, Ross, Santoro, Sheltra, Silverman, Slane, Starbird, Susi, Trask, Webber, Wheeler, White, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Brown, Curran, Donaghy, Genest, Gill, Immonen, Lee, Lizotte, Lucas, McCloskey, Pontbriand, Rochleau, Stillings, Wight, Williams.

Yes, 44; No, 91; Absent 15.

The SPEAKER: Forty-four having voted in the affirmative and ninety-one having voted in the negative, with fifteen being absent, the motion does not prevail.

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

An Act to Correct Errors and Inconsistencies in the Public Laws (S. P. 641) (L. D. 1835)

An Act relating to Length of Certain Motor Vehicles (H. P. 213) (L. D. 280)

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

An Act relating to Certain Laws Relative to Great Ponds (H. P. 1374) (L. D. 1791)

An Act Providing for the Taxation and Preservation of Farm and Open Space Land (H. P. 1418) (L. D. 1834)

An Act Appropriating Funds to the Department of Health and Welfare (H. P. 1437) (L. D. 1861)

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.

#### Order Out of Order

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, the demands of American society require that each high school graduate or otherwise qualified person have open access to post high school education; and

WHEREAS, essential to such access are systems of comprehensive community colleges offering academic, occupational and general education to give students the widest possible range of options; and

WHEREAS, the function of the community college is to develop human potential with emphasis on meeting the diverse needs of individuals; and

WHEREAS, the community college seeks to serve the needs of individual students emphasizing service rather than facilities; and

WHEREAS, full recognition is given under the community college program to that one objective of all education, which is preparation for an occupation; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the feasibility of developing the community college concept with adequate provision for state coordination and planning of community colleges as they relate to all forms and types of post high school education and as an integral part of the higher education system; and be it further

ORDERED, that the State Department of Education be directed to provide such technical advice and other assistance as the Committee deems necessary or desirable; and be it further

ORDERED, that the Committee report the results of such study at the next regular session of the Legislature; and be it further

ORDERED, upon joint passage, that a copy of this Order be transmitted forthwith to said Department of Education as notice of the pending study. (H. P. 1405)

The Joint Order was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have been promised I might get a little better support somewhere else on this order, and that is the reason why I am introducing it and I hope you will do me the same kindness you did yesterday to give us an opportunity to look the community college problem over statewide.

Thereupon, the Joint Order received passage and was sent up for concurrence.

#### Orders of the Day

The Chair laid before the House the first 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 23, by Mr. Porter of Lincoln.

Pending — Passage in concurrence.

Thereupon, the Joint Order receive dpassage in concurrence.

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

Mr. JALBERT: Mr. Speaker, I would move that we reconsider our action whereby this order received passage.

The SPEAKER: The gentleman from Lewiston, Mr Jalbert moves we reconsider our action whereby this Order received passage in concurrence. 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.

55 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have spoken with several parties involved in this thing. I mean this problem here can be taken care of. I know there was an order put in before. I am aware of the comments of Chief Justice because I am proudly very personally well acquainted with him.

We are going to have a study, that has passed already in this body and the other body, of county government. It isn't the question of having the court come to us, if need be it would be a question of us going to them. And I am opposed to this order because I think it is needless. I think the situation can be taken care of via the county government study group. I have discussed this with, as I say, some interested people in this body and they agree with me.

Mr. Speaker, I move the indefinite postponement of this order.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves this Order be indefinitely postponed.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I don't necessarily disagree with the motion, but it ought to be pointed out that we have already passed an order doing the study. This order actually repeals the first order. And the reason for that, as I recall, is because this order, the second order, would remove from the committee the Judges at their wishes, and this is all I know about it.

As I understand it, and unless I am wrong, I have been told that we have already enacted an order. This one repeals the first order, if we would pass this one; and if we would indefinitely postpone this order, the first order still remains in effect.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is perfectly all right with me to go along with the thinking of the

gentleman from Eagle Lake, Mr. Martin, but I am speaking about this order, and this order here is needless and that is why I moved this indefinite postponement.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Order be indefinitely postponed in non-concurrence. 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.

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

Sent up for concurrence.

The Chair laid before the House the second 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 23, by Mr. Porter of Lincoln.

Pending—Further consideration.

On motion of Mr. Porter of Lincoln, the House voted to adhere.

The Chair laid before the House the third 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 23, by Mr. Porter of Lincoln.

Pending—Passage in concurrence.

On motion of Mr. Porter of Lincoln, tabled pending passage in concurrence and later today assigned.

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

SENATE JOINT ORDER — Re Interim telephone privileges (S. P. 655) — In Senate, passed.

Tabled — June 23, by Mr. Martin of Eagle Lake.

Pending — His motion to reconsider passage.

The pending motion prevailed.

Mr. Martin of Eagle Lake offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-509) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that we have an order which is going to save the State of Maine some money and to provide legislators with a service which at times they have not had.

Let me try to explain it to you. If you don't have it before you, it is under filing number H-509. Basically the order amends the original order to put the points back in that have been in the previous orders before. So that does not change anything that we have known to do in the past.

I would like to refer to the last line of the order which is the important thing. It says, "The Executive Officer of the Legislature is authorized to install and supervise a measured in-watts system for members of the Legislature for calling to Augusta and to communicate with State departments within the Capitol Complex."

Now basically here is what we are talking about. During a year and a half, from the time we adjourn until the time we come back, the State pays roughly \$12,000 for credit card calls. About two thirds of those calls are made from the legislator's home town to Augusta with a state department. Obviously you still need the fifty calls which you will be entitled to as we always have in the past to communicate with the legislators from one point to another within the State. That does not change. But what will now change is that when a legislator wishes to call Augusta, rather than using his credit card, he will be able to use what is called the in-watts system. And I would just like to explain it to you.

Basically it works in the same system now, except it works—as we now know it is an outward-watts system. You would simply dial an 800 number and you would

receive the operator. The operator would then pass the call to the department head who in turn would call you. This would cost us \$90 per month, and you figure it out times the eighteen months we are out of session and we are going to save ourselves a great deal of money.

We worked this out with the Speaker, with the Clerk of the House, with the Legislative Finance Office, with the Telephone Company, with the Bureau of Public Improvements. I think that is all. But I think we have done a job here that will provide legislators with service. It will not cost the State — as a matter of fact it is going to save the legislative account a great deal of money. It is going to provide us with a service and we will not be charging the average calls to the state departments that we have been doing in the past.

If I have not fully explained it, then I hope someone will ask me a question.

Now it is going to take roughly two months to install the equipment because it has got to come in from New York, and as I understand it, they are just waiting for the passage of this order and they are going to order the equipment to be installed here. And after that the Clerk of the House is going to notify all of us as to the procedure to use and when it is going to go into effect. It is indeed a pleasure, I suppose, from this corner, to say that I am going to try to save the State of Maine money.

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 commend the Minority Leader for leading in this effort to get us this better telephone service at less cost to the State, and in behalf — I think I can speak in behalf of all of us in thanking him and those who helped him on this for their effort. I hope you will support the order.

Thereupon, House Amendment "B" was adopted and the Joint Order was passed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifth 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) — In House, failure of passage to be enacted reconsidered.

Tabled — June 23, by Mr. Jalbert of Lewiston.

Pending — Passage to be enacted.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: Before us is a bill that will definitely cause the death of the Income Tax. I am not talking through my hat, let me assure you. Go home, talk with the little man and see what he thinks; I assure you that I have. They don't want any more taxes or bonds or bond interest to pay, and there are more little fellows than there are fat cats. Again, I will assure you they are going to vote no this fall. We saw a sample of it this past year and we are going to see more.

Somewhere along the line the bureaucrats are going to learn in a hard way that the people are sick of taxes and that there are more little people than there are bureaucrats. I therefore ask you all to vote for this bill. Let us pass it and send it to referendum along with all the other bond issues enacted and give the people a chance to kill all of them at once.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Keyte.

Mr. KEYTE: Mr. Speaker, Ladies and Gentlemen of the House: The legislation proposed in L. D. 1857 would authorize a bond issue in the amount of \$10.3 million that would be used to build state highways, including the matching of federal aid funds. The \$10.3 million bond issue only slightly exceeds the amount of bonds that will be retired during the 1972-73 biennium; therefore, the total debt for highway will be basically the same two years from now as it is today.

This proposal, which has been reduced from an original request for \$16 million, received a unanimous recommendation for approval from the Transportation Committee of this Legislature.

This \$10.3 million bond issue will, if approved, go to the people in referendum in the fall of 1972.

I urge the members of this House to give favorable consideration to this portion of the highway financing package that is recommended for the next two years.

The SPEAKER: The pending question is passage to be enacted. The yeas and nays have been ordered. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Bustin, Call, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cote, Cottrell, Crosby, Curtis, A. P.; Cyr, Dow, Drigotas, Dyar, Emery, E. M.; Evans, Finemore, Fraser, Genest, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lee, Lewis, Lincoln, MacLeod, Maddox, Mahany, Manchester, Marsh, Marshall, Martin, McKinnon, McNally, McTeague, Millett, Mills, Murray, Norris, O'Brien, Page, Ross, Santoro, Scott, Shaw, Silverman, Simpson, T. R.; Slane, Starbird, Susi, Theriault, Wheeler, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY—Ault, Berry, G. W.; Berry, P. P.; Brawn, Carey, Cooney, Cummings, Curtis, T. S., Jr.; Dam, Doyle, Dudley, Emery, D. F.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Goodwin, Hancock, Henley, Herrick, Jutras, Kelley, P. S.; Lawry, Lessard, Lewin, Littlefield, Lund, Lynch, McCormick, Morrell, Mosher, Orestis, Parks, Payson, Porter, Rand, Rollins, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Smith, E. H.; Tanguay, Trask, Tyndale, Vincent, Webber, Whitson, Wight.

ABSENT — Curran, Donaghy, Cill, Lizotte, Lucas, McCloskey,



Pontbriand, Pratt, Rocheleau, Stilings.

Yes, 90; No, 50; Absent, 10.

The SPEAKER: Ninety having voted in the affirmative and fifty having voted in the negative, with ten being absent, ninety not being two thirds, the Bill fails of enactment.

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

SENATE REPORT—Report “A” (9) 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 the Choice of Senators” and that it “Ought to pass.”

SENATE REPORT—Report “B” (8) 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.”

SENATE REPORT—Report “C” (2) 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” — In Senate, Report “A” accepted and the Resolve passed to be engrossed.

Tabled—June 23, by Mr. Starbird of Kingman Township.

Pending—Acceptance of any Report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will bear with me for a few minutes, and I am going to attempt to explain all of these reports to the best of my ability and also my reasons for the efforts that I have made over the last six months.

When I went home four years ago I was rather disturbed that we could not come to any kind of a compromise whereby the legis-

lature could apportion itself and had to let the thing go to the court.

I think if there is one single individual vote that I have ever made in the legislature that I have been sorry for is the fact that I voted with the Republican plan in 1967 to go along with a plan that I knew in my own mind was completely wrong. That plan eventually ended up on the Governor's desk, was vetoed and ended up in the court. I think it was probably one of the most atrocious plans that was ever submitted before this Legislature, in my personal opinion.

Now today we have before us three plans, and the development of these plans, I would like to bring out some of the problems that we are faced with if we accept either Plan “A” or Plan “B” and the things that we may face. Initially I think some of the problems that we have is the indiscriminate crossing of county lines. Counties are a part of our system of government at the present time, and we have back of the county development such things as actually the political parties of each county which are worked to the effort of electing senators.

Now if either Plan “A” or Plan “B” is accepted, I think we arrive at the point of making the decision that senators no longer will represent a county. They will represent a particular section of the State of Maine, and this may cross county lines in several directions. I think we will be faced with going in the same direction as having the school districts, court districts and other forms of districts that have been set up. Personally I am not convinced that this is the area that we want to go into at this time.

The second major point in the consideration of Plans “A” and “B” is that there is a tremendous relocation of districts; that the Senate districts as we presently have them will be completely relocated in many many cases so that the senators who presently are representing these districts will be running in completely new

areas. I think this is going to be disturbing to many of them, and if for any reason either one of these reports is accepted, why I think that they will find their next campaign to be a rather tough one in being able to get reacquainted. Now actually at looking at both of these plans, there is a great deal of similarity between Plan "A" and Plan "B".

The problems that developed in the apportionment of the State, due mainly to some of the Supreme Court decisions in attempting to get within close population balances has created quite some problem. The big problem we have in the state is the population concentration that we have in the southwestern corner of the state, primarily in York and Cumberland Counties. In both plans, and it is easy to see if you have studied the thing as much as I have, they started down in Kittery at the very southwestern corner and started forming districts up across the state. In developing these districts they finally found themselves as they moved further up the state that they got into a chain reaction which developed all the way across the state until they got up in the northeastern part of the state, that they found themselves in real serious problems.

The plans — and I will take each one of them and take them apart — Plan "A", which is a plan that came out of the majority of the members of the Apportionment Committee, finds in District 4 you have three counties involved; you have Cumberland, Oxford and York. In District 6 you have Androscoggin, Cumberland and York. District 14 you have Androscoggin and Kennebec. District 17 you have Androscoggin and Sagadahoc. District 18 you have Lincoln, Kennebec, Knox and Waldo. Here is a situation in which you have parts of four counties involved in one Senatorial District. District 19 is composed of Lincoln and Knox. District 20 is composed of Penobscot, Somerset and Waldo; 21 is composed of Franklin and Somerset; 22 is composed of parts of Penobscot and Somerset; 23 is composed of parts of Penobscot and Piscataquis; 26 is composed

of parts of Penobscot and Aroostook and 31 is composed of parts of Washington and Hancock. Now this is the only one of the three plans that is a 31-member district. And I would refer particularly, for one, to the language that is in District 27.

District 27 shall consist of all municipalities, plantations and unorganized territory in the County of Penobscot not included within 20, 22, 23, 26, 28 or 29. In other words, you have got parts of seven districts involved in this particular county. Now I am not speaking of this because it is my own home county. I think it is the best and most glaring example of what is a poor job of apportionment.

Report "B", which is the report that was submitted by the Democratic members of the committee, in District 4 there are parts of Cumberland and York; District 14, parts of Androscoggin and Sagadahoc; District 15, parts of Kennebec and Androscoggin; District 16, parts of Franklin and Oxford; District 17, parts of Franklin, Somerset and Piscataquis; District 18, parts of Kennebec and Somerset; District 20, parts of Lincoln, Kennebec and Sagadahoc; District 21, parts of Lincoln and Knox; District 22, parts of Kennebec, Knox and Waldo; District 23, parts of Kennebec and Somerset; District 24, parts of Penobscot, Waldo and Hancock; District 30, parts of Aroostook, Penobscot and Piscataquis; and District 33, parts of Penobscot and Aroostook.

And you will find in this one that Kennebec County appears in at least four senatorial districts, plus I believe one that is completely within the county. In other words, Kennebec County is involved in five senatorial districts. I find that there is a great deal of similarity, as I have said; there is a great deal of similarity in these plans.

I will say this, that the efforts of the people who drew up these plans was excellent in getting very close population figures. I am not sure just how much of a problem this may be. The Supreme Court of the United States in the last ten years has gone very much in one direction and to the point where I

don't know just how close a percentage they wanted. They indicated at one time that six wasn't satisfactory, and that it even should be smaller than that. And then about three weeks ago when they completely reversed themselves, and as was very aptly explained in an article that was in the Portland Press Herald a couple of weeks ago, they at that time — and the comments in this article **pointed out how Justice Frankfurter**, wherever he may be today, must be enjoying a great deal of comfort in looking down, when he **said that the United States Supreme Court was going to get in a complete morass if they ever got into the area of redistricting in any way.**

Now there is a Plan "C" which is a plan that I have done a great deal of work on myself. I feel that it does have a good deal of merit. I would before I begin **point out that there are three points to this that might be subject to question.** One of them is in the eighth and ninth senatorial districts. We did not completely have the figures from the City of Portland and it does show that the ninth district has 34,000 people in it as against 30,000. This is a problem in looking at the other two **plans that do have Portland subdivided and I think this can be straightened out. I feel quite confident that it can.**

It also has two areas of which there is a lack of contiguity as far as the word, if the word is interpreted to mean to touch. The Legislature over the years has in Maine taken the attitude that if **there isn't large population masses in separate communities that they do not have to necessarily touch.** The present House apportionment has several examples of this. In neither case is there a very great distance, the distance is very short, **not over one township separating the two areas.** These areas are in the third senatorial districts in which **Old Orchard does not abut to, Kennebunk or to Kennebunkport.** They are separated by the communities of Biddeford and Saco. You also find the same thing in the 12th District in which Brunswick with 16,000 people necessarily

isolates any other towns. The towns of Freeport and Harpswell in this plan are put in Sagadahoc County.

Now here are several counties that are quite a bit below the key figure of 30,101 which is the key for the development, or the mean figure for development of the 33 **member district. Population has to be taken from other counties in order to bring these up to be somewhere close to the 30,000.**

Now Plan "C" has — I have gone through and I think there are 12 or 13 county areas in both of these other plans that are **districted together. Plan "C" does have six. In no case is there more than two counties together. Oxford and York form one. Two towns in Cumberland were put with Sagadahoc to bring them up to 30,000. Five small towns on the southeast border of Kennebec County were put with Lincoln, and this parallel is used in the others, put with Lincoln County to give Lincoln County which presently does not have a Senator and is the only county in the state that does not have a real good opportunity to have one, is given a chance to have a Senator. Franklin and Somerset are put together and it is also true in Oxford and York. These are exactly the same combinations that there are now. I think there was one town changed in Somerset County to provide a little closer population balance.**

Penobscot and Piscataquis are put together as is Waldo and Hancock, and this is due to the fact that while Hancock has 34,000 people, they are quite some up over the mean figure. Waldo is below that. The three towns of Bucksport, Orland, and Verona are transferred from Hancock into Waldo to create a reasonably close population balance there.

Now in 1965 the legislature appointed the somewhat of a blue ribbon committee to apportion the legislature. At that time they appointed the Speaker of the House at that time, Dana Childs, the President of the Senate, the Minority leaders of both houses and the professors of five of the state colleges, the four state colleges, and the dean of the Portland Law School, who served as chairman

of the committee. They went over and did an apportionment of the state. I thought at the time that it had many very good points to it. It had one major glaring inequity and that was attempting to put Piscataquis County up with the northern part of Aroostook County, which meant that they had about 180 miles to drive in order to get from one section of the district to the other.

As I previously mentioned, the legislature was not able to come up with an adequate compromise and so the court did use this as a basis. Now I think that there were compromises at that time. I think there was a method of working out the Piscataquis — Aroostook situation. We were not able to get that compromise considered. And because it did not become a part of the legislative record, the court used and did their apportionment on the basis of what presently was before the legislature.

I would move at this time to accept Report "C". Now I realize two factors, I realize time is late and I realize it will put us in non-concurrence with the other body. If this body would decide to go along with Report "C" it is possible to try to sit down—I won't say it is possible to do it, but it is possible to try to sit down and try and work out a compromise between the two bodies. Now I know there are members at least of my own party who have looked at Report "C" and have studied it and having seen it have indicated that they feel that it has a certain amount of merit. I frankly think that because it follows very closely to the pattern that was developed by this blue ribbon committee, which came out of a Democratic legislature it did have the support of the Democratic party and the present apportionment comes very close to that, that there should be a good deal of merit in Report "C" for the members of the Democratic party and I think if they study it I think that they would find that there would be much that would appeal to them.

I think this probably concludes much of what I could say. I think that or I would hope that you

would give consideration to this report.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: We have heard an excellent presentation on reapportionment by the gentleman from East Millinocket, Mr. Birt, and I for one, along with many of you, know that he has made a long and difficult effort along with others on the apportionment program and has a thorough conviction of the merit of Plan "C" and I am sure that many of us agree with him in the merits of his plan.

But aside from merits of these various plans there are some facts concerning the procedures involved right now that I think should be made known to you. Plan "A" which was accepted in the other body has been pre-enclosed and if in response to this the observation were made here on the floor that if an extra day in session would give us a better apportionment plan, then this effort would be well worth it. It would be the only responsible course for us and I would have to agree with that. However, I have been assured by several, as perhaps some of you have, that reapportionment probably will not be settled inside the legislature. So in light of this consideration I would believe it would be to our advantage to vote against acceptance of the Plan "C" and accept Plan "A" so as to be in concurrence and expedite the closing of the session.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to pound on this. I just wanted to have a little bit of levity. I hope that you don't accept this Report "B" whatever happens, because for some reason or another they have exported or something two towns of Oxford County, and they have lost them somewhere. I see they are in both of the other reports, so I just wanted to make note. I am sure that my seatmate, Mr. Page, would be quite enraged because they are both his

towns and they are very good Republican towns, by the way, so I would like if that report is at least considered, those towns should be brought back, whoever has got them.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I will assure the gentleman from Norway that we weren't trying to do away with Democratic towns. I would hope that we would accept Report "B". The gentleman from Pittsfield indicates that this cannot be settled within the legislative halls. I am sure it could if he would accept our report. It wouldn't be any problem at all.

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

Mr. STARBIRD: Mr. Speaker and Members of the House; The first time that I have had any chance to thoroughly go over these reports was this morning and I find that I am in at least general agreement with the gentleman from East Millinocket.

The most glaring fault in Report "C", however, is its population variance. The best one in that respect is Report "B". Report "C", I feel that if we have the time to work at it could be made acceptable to most of us. I think that its glaring inequities in population could be brought very much closer without any great problem in regard to the political complexion of any of the districts.

In Report "A" which has, as you know, 31 Senators, the highest district, District 13, has 33,387 people. This gives us between a three and four percent variation above the ideal figure of 30,054. It is actually slightly over 3%. District 14, the lowest, with 31,303, has a population variance of very near 3%.

In Report "B" the highest variation from the 30,101 mean for a 33 member district is the 22nd district with 30,770, which means that there is only slightly over a 2% variation from the ideal figure. The lowest district, District 16, in Report "B" has slightly over a 3% variance with 29,203 people.

Report "C" quite strongly in variance with "B" or with "A" has

the highest variation from the 31,-101 ideal figure in District 9 with 34,128 people, almost a 13½% variation. The lowest is District 23 with between 9% and 10% variation and 27,743 people. Now I am fully aware of the most recent Supreme Court decision that Mr. Birt has referred to. In fact I have the clipping from the Portland Press Herald of June 16, 1971 where Justice Marshall agreed that the long tradition could justify the 12 percent spread from perfect equality. Now the good Justice said a 12 percent spread and he used the words "long tradition."

Now I think if long tradition is accepted for districts that have been more or less in the same shape and form for a long period of time, I think the good Justice would probably not quibble over another percent and a half. I think our own State Supreme Court has allowed us a 10 percent spread in the present Senate, based on a 1960 census.

But where is our long tradition in respect to the Senate? Where is it? And I say it has gone out the window. Our long tradition, as regards Senate apportionment, was an at-large apportionment of senators, so many per county, depending on different population spreads, and we scrapped that system in 1966 when we adopted the present one, when we adopted single member districts.

The single member district system gives us the right to cross county lines any old way we want to. I don't uphold this really; I think we should stick to county lines and municipal lines if we can, but I do think that we should strive for even more perfect equality than the Report "C" that the gentleman from East Millinocket has moved we accept. To do this we should accept Report "B". And I therefore ask that Report "C" be indefinitely postponed so that we might get on with Report "B" which I feel if this ever went to the court would be the one that would be most acceptable to it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I rose

a few minutes ago in the county attorney measure and you graciously accepted what little possible good philosophy I could give you. I think we are right back in the same place.

Now we know we are going to kill House Amendment "C". We know the majority is going to pass House Amendment "A", and I know that we are going to vote against House Amendment "A". And then House Amendment "A" is going to wind up in the corner and then it will be back here and then we will wind up in court. So if we do want to go home, why don't we stop arguing and go along about our business, kill Amendment "C", let's go along with the motion of the gentleman from Pittsfield, Mr. Susi. Some will vote for, some will vote against, and then we will see this bauble back here again; it is as simple as that.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: In all the session I have never heard any greater words of wisdom than I just heard from the gentleman from Lewiston, Mr. Jalbert, and I will go along with him one hundred percent.

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

Mr. LEWIS: Mr. Speaker and Members of the House: I certainly go along with Representative Jalbert. I am certain that this is going to end up in the courts. But I would like to tell the members here the predicament that Lincoln County found themselves in due to the last redistricting. We ended up with really three senators, none of whom lived in Lincoln County. We are at a big disadvantage, I feel, in Lincoln County, and I know how my constituents feel. We feel that we got the short end of the bargain during the last redistricting, and I certainly would go along with Plan "C".

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

Mr. ROSS: Mr. Speaker and Members of the House: Speaking

for Sagadahoc County, which I once represented in the other body, Report "A" treats us very poorly. I would think we would have great difficulty taking in Lisbon and Sabbathus.

Report "B", we couldn't lose as far as the Republicans go. That would be a corker. That is the Democrat plan.

Report "C" is much better than Report "A", and I would go for either "B" or "C" but I know what is going to happen, so we are going to vote the way we know we are going to vote.

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

Mr. DAM: Mr. Speaker and Members of the House: I hate to take any opposition to my leader of my party, but I definitely would not buy Report "B". I favor Report "C" over any of the three reports, and I would like to have this in the record that I am in favor of Report "C" and I take definite opposition to Report "B", because I could buy Report "A" over Report "B".

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly. As a member of the Reapportionment Committee I signed Report "B". However, that was before I had had an opportunity to study Report "C" in depth — or rather I signed Report "A". But now I favor Report "C" for the reasons that Mr. Birt has given and also for other reasons relating to the commission now in Lincoln and Knox County. The report doesn't cross county lines any more than are necessary. Lincoln County, under Report "C" would have an opportunity to elect its own senator and Knox County would have one of its own. County boundaries are violated as little as I believe is possible. The only thing that I do not like about Report "C" is that it is a 33 senator plan instead of a 31 senator plan.

But I hope that we will go long and accept Report "C".

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

Mr. CURTIS: Mr. Speaker and Members of the House: We are going to have to live with whatever reapportionment we finally end up with for ten years. It seems to me that this Legislature ought not to abrogate its duties in political reapportionment by just determining that since we have a Republican legislature and a Democratic Governor that the courts are going to end up deciding this question.

Traditionally our political organizations have followed county lines. Plan "C" is the closest attempt to retain our Senatorial District lines closely paralleling county lines. I would like to thank Mr. Birt for the effort that he put in, and I was happy to sign his report and hope that it passes.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I very much have to oppose the Report "B" for the reason that it takes the towns of Abbot, Monson, Parkman and others and puts them with part of Somerset County and part of Franklin County.

Now if you have gone from Guilford to Greenville, you know that Abbot and Monson and those other towns are in a straight line north from Guilford up. It would seem very strange to have a district that did not include those towns as one, rather than have them over with Farmington and towns in Somerset County. Then it takes the rest of Piscataquis County, Greenville and skipping down to Guilford, on down through Milo and Brownville, which as you know is the very southernmost part of Piscataquis County and puts them with the towns in the very most northern part of Aroostook County which we are now. And really and truly, I don't think it is reasonable, logical districting and I certainly shall oppose it.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I hope you won't be overly influenced by the band that has been hired by Mr. Birt and Mr. Curtis to promote their plan, and also

I hope that we don't depart on any flights of fancy at this point in our proceedings.

As of right now, so far as I can see, we haven't rocked the boat today, we are on our way to adjournment as of right now. If we go into non-concurrence in pursuing an objective which is in my opinion completely unattainable anyway, we could be delaying things. And if there were any hope for doing some good by this, I wouldn't make the observation, but I don't see any hope for it, and I would hope that we would stay in concurrence on this issue.

Mr. Parks of Presque Isle 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 members desiring that the Chair entertain 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 Kingman Township, Mr. Starbird, that Report "C" 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. 67 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

Mr. Jalbert of Lewiston requested a roll call vote.

The SPEAKER: The pending question now is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept Report "A". 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 the House accept Report "A", Resolve Dividing the State into 31 Districts for the Choice of Senators," Senate Paper, 678, L. D. 1862. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEAS — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Bither, Bragdon, Brawn, Brown, Call, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Genest, Good, Hall, Hanson, Haskell, Hawken, Hayes, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Mad-dox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Parks, Payson, Porter, Pratt, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Susi, Tyndale, Wight, Williams, Wood, M. W.; Woodbury, The Speaker.

NAYS — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Bunker, Bustin, Carrier, Carter, Clark, Clemente, Conley, Cote, Cottrell, Donaghy, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Fecteau, Fraser, Gauthier, Goodwin, Hancock, Hardy, Henley, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lesard, Lynch, Mahany, Manchester, Marsh, Martin, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Page, Pontbriand, Ross, Santoro, Sheltra, Slane, Smith, D. M.; Starbird, Tanguay, Theriault, Trask, Vincent, Webber, Wheeler, White, Whitson, Wood, M. E.

ABSENT — Carey, Churchill, Cooney, Curran, Cyr, Dudley, Faucher, Gill, Lizotte, Lucas, McCloskey, Rand, Rocheleau, Stillings.

Yes, 69; No, 68; Absent, 14.

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

The Resolve was read once and, under suspension of the rules, the Resolve was given its second reading, passed to be engrossed and sent to 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 Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County" (H. P. 636) (L. D. 866) reporting that the House recede from passage to be enacted; 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 with the House.

(Signed) BRAGDON of Perham

JALBERT of Lewiston

ROSS of Bath

—Committee on part of House.

VIOLETTE of Aroostook

SEWALL of Penobscot

JOHNSON of Somerset

—Committee on part of Senate.

Report was read and accepted. The House voted to recede from passage to be enacted and from passage to be engrossed. Conference Committee Amendment "A" (H-508) was read and adopted.

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

#### Non-Concurrent Matter

Joint Order relative to Legislative Research Committee conduct survey within the vicinity of Eastport (H. P. 1440) which was passed in the House on June 23.



Came from the Senate passed as amended by Senate Amendment "A" in non-concurrence.

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

#### Conference Committee Report

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

Joint Order re Publication of Telephone Number for Each Sales Tax Divisional Office (H. P. 691) reporting that they are unable to agree.

(Signed)

KELLEHER of Bangor  
GILL of South Portland  
DUDLEY of Enfield

—Committee on part of House.  
HOFFSES of Knox  
MOORE of Cumberland  
MINKOWSKY

of Androscoggin

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

#### Ought to Pass

Report of the Committee on Appropriations and Financial Affairs, acting in accordance with Joint Order (S. P. 668) reporting a Bill (S. P. 682) (L. D. 1865) under title of "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Under suspension of the rules, the Bill was read the third time, passed to be engrossed and sent to the Senate.

By unanimous consent was ordered sent forthwith to the Senate.

#### Conference Committee Report

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

Joint Order Relative to Publication of Telephone Numbers in Each Locality District of All State-Paid-For Telephones (H. P. 692) re-

porting that they are unable to agree.

(Signed) DUDLEY of Enfield  
KELLEHER of Bangor  
—Committee on part of House.  
HOFFSES of Knox  
MOORE of Cumberland  
MINKOWSKY

of Androscoggin

—Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

From the Senate: The following Order:

WHEREAS, there are certain members of the Legislature who have served above and beyond any sense of public duty; and

WHEREAS, the Senator from Penobscot, the Honorable John T. Quinn, has provided that degree of thoughtful leadership and wise counsel; and

WHEREAS, his wide experience has been the foundation of a competence which could only be complemented by the tender love of a devoted wife; and

WHEREAS, his immeasurable contribution, simple courage and endless patience in affliction has been a source of inspiration to all; now, therefore, be it

ORDERED, the House concurring, that we the Members of the One Hundred and Fifth Legislature of the State of Maine, now assembled in regular session do hereby acknowledge and pay high tribute with a full measure of gratitude, admiration and affection for the outstanding service of our dear friend and colleague, the Honorable John T. Quinn; and be it further

ORDERED, that a suitable copy of this Order be presented to his devoted wife, Edith, as a small expression of lasting affection for her husband and high regard for her. (S-684)

Came from the Senate read and passed.

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

The following Communication:  
The Senate of Maine  
Augusta, Maine

June 24, 1971

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

Dear Madam Clerk :

The Senate voted to adhere to its action whereby Bill, "An Act to Establish Stepparents Responsibility to Support Stepchildren" (S. P. 640) (L. D. 1833) Failed of Enactment on June 23.

Respectfully,

(Signed)

**HARRY N. STARBRANCH**  
Secretary of the Senate

The communication was read and ordered placed on file.

#### **Final Report**

Final Report of the following  
**Joint Standing Committee:**

#### **Appropriations and Financial Affairs**

Came from the Senate read and accepted.

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

#### **Non-Concurrent Matter**

Joint Order relative to Amending Joint Rule 17-A (H. P. 1442) which was passed in the House on June 23.

Came from the Senate indefinitely postponed in non-concurrence.

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

On motion of Mr. Susi of Pittsfield,

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

#### **After Recess**

2:30 P. M.

The House was called to order by the Speaker.

#### **Divided Report**

Report "A" of the Committee on Constitutional Reapportionment and Congressional Redistricting, acting by authority of Joint Order (S. P. 106) reporting a Resolve (S. P. 642) (L. D. 1843) under title of "Resolve to Apportion One Hundred and Fifty-One Representatives Among the Several Counties, Cities, Towns, Plantations and Unorganized Territory of the State" and that it "Ought to pass"

Report was signed by the following members:

Messrs: **BERRY** of Cumberland  
**MOORE** of Cumberland  
— of the Senate.  
Messrs. **LUND** of Augusta

#### **FINEMORE**

— of Bridgewater  
— of East Millinocket  
**PRATT** of Parsonsfield  
**EMERY** of Rockland  
**CURTIS** of Orono

— of the House.

Report "B" of same Committee, acting by authority of Joint Order (S. P. 106), reporting a Resolve (S. P. 643) (L. D. 1846) under title of "Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Unorganized Territory of the State" and that it "Ought to pass"

Report was signed by the following members:

Messrs. **CONLEY** of Cumberland  
**CLIFFORD**

— of Androscoggin  
— of the Senate.

Messrs. **COTE** of Lewiston  
**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. 644) (L. D. 1844), under title of "Resolve to Apportion One Hundred and Fifty-one Representatives Among the Several Counties, Cities, Towns, Plantations and Unorganized Territory of the State" and that it "Ought to pass"

Report was signed by the following members:

Mr. **VIOLETTE** of Aroostook  
— of the Senate.

Messrs. **MARTIN** of Eagle Lake  
**KELLEHER** of Bangor  
**STARBIRD**  
of Kingman Township  
— of the House.

Report "D" of same Committee, acting by authority of Joint Order (S. P. 106), reporting a Resolve (S. P. 645) (L. D. 1842), under title of "Resolve to Apportion One Hundred and Fifty-One Representatives Among the Several Counties, Cities, Towns, Plantations and Unorganized Territory of the State" and that it "Ought to pass"

Report was signed by the following members:

Messrs. **WYMAN** of Washington  
**TANOUS** of Penobscot  
— of the Senate.  
Mr. **MORRELL** of Brunswick  
— of the House.

Came from the Senate with the Reports and Resolves referred to the 106th Legislature.

In the House, the Reports were read.

On motion of Mr. Finemore of Bridgewater, the Reports and Resolves were referred to the 106th Legislature in concurrence.

The following Communication:

STATE OF MAINE  
House of Representatives  
Speaker's Office  
Augusta, Maine  
June 24, 1971

Mrs. Bertha W. Johnson  
Clerk of the House  
State House  
Augusta, Maine

Dear Mrs. Johnson:

Pursuant to House Order No. 1348 I have today appointed Rep. Thomas Gagnon of Scarborough, Rep. Claude Trask of Milo and Rep. William Lawry of Fairfield as members of the special interim commission to study matters relating to the insurance industry as outlined in this Order.

Respectfully,  
(Signed) DAVID J. KENNEDY  
Speaker

The Communication was read and ordered placed on file.

**Passed to Be Enacted  
Emergency Measure**

An Act to Validate a Referendum Vote of the Town of Brunswick (H. P. 1441) (L. D. 1866)

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

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Bailey.

Mr. BAILEY: Mr. Speaker, Ladies and Gentlemen: I have no intention of delaying action on this item, but just for the record it seems like one of the first items when I came up here last January was a validation subject dealing with SAD 75. At that time it bothered me a little bit to know why it was that the 151 members of this House would have to validate action taken by the respective towns around about the state. And at this time it still bothers me.

I went down to the Attorney General's office this morning and

asked Mr. Doyle about just what it means for this House to validate these votes. He said that to be truthful that he couldn't answer me. It seems to me that this vote was just taken a few days ago. There was only one vote majority on these items, and it almost seems ridiculous that it would come up here and 151 members of this House some 40 or 50 miles from the subject matter be able to just wave their hand and say it was all legal.

I would just like to go on record as being opposed to this kind of action. I think maybe the next legislature should take some action to correct this.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and 15 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 relating to Powers and Duties of the Attorney General (S. P. 240) (L. D. 701)

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

**Non-Concurrent Matter**

Joint Order relative to Legislative Research Committee study feasibility of developing the community college (H. P. 1445) which was passed earlier in the day in the House.

Came from the Senate indefinitely postponed in non-concurrence.

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

**Messages and Documents**

The following Communication:  
THE SENATE OF MAINE  
AUGUSTA, MAINE

June 24, 1971

Hon. Bertha W. Johnson  
105th Legislature

Dear Madam Clerk:

The Senate today voted to adhere to its action whereby on June 15 it passed Joint Order (S. P.

648) relative to National Legislative Conference.

Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Non-Concurrent Matter

Joint Order relative to a Joint Select Special Committee on Governmental Reorganization (H. P. 1443) which was passed in the House earlier in the day.

Came from the Senate passed as amended by Senate Amendment "A" in non-concurrence.

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

#### The following Communication: Messages and Documents

THE SENATE OF MAINE  
AUGUSTA, MAINE

June 24, 1971

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

Dear Madam Clerk:

The Senate today voted to reject the Conference Committee Report on Bill "An Act relating to Duty of State Board of Education Concerning Interscholastic Activities (H. P. 985) (L. D. 1347)

Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

Bill "An Act Providing for a Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332)—In House, passed to be engrossed as amended by Committee Amendment "A" (H-389) and House Amendments "A" (H-495), "B" (H-498), "C" (H-504) — In Senate, passed to be engrossed as amended by Committee Amendment "A" and House Amendments "A", "B", and "C" and Senate Amendment "A" (S-315) in non-concurrence.

Pending — Further consideration.

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

Mr. MARTIN: Mr. Speaker and Members of the House: We have already enacted the other bill; there is no need for this one, and so I would now move that we adhere.

Thereupon, the House voted to adhere.

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

SENATE JOINT ORDER — Re Secretary of Senate's duties and responsibilities when Senate is not in Session (S. P. 654)

Pending — Passage in concurrence.

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

Mr. PORTER: Mr. Speaker, I move that this Joint Order be indefinitely postponed.

The SPEAKER: The gentleman from Lincoln, Mr. Porter, moves this Joint Order be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I wholeheartedly endorse the motion as made by the gentleman from Lincoln, Mr. Porter.

Thereupon, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. Dam of Skowhegan was granted unanimous consent to address the House:

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: Quite a few of the members have asked me in the last few days what happened to the Committee of Conference Report on the newspaper bill. Well, it just so happened that I did have the full support of the three members of the House, and one member of the other body. But we couldn't get the majority of the other body.

Now it seems that in the case of the other body we cannot get enough signers even to sign the Conference Committee Report to agree or to disagree, so therefore

there is no conference report coming back because there is no disagreement and there is no agreement.

I do at this time want to thank all the members of the House that did support me in this bill and I appreciate the vote every time you voted with me, and thank you.

On motion of Mr. Porter of Lincoln,

Recessed until the sounding of the gong

#### After Recess

Called to order by the Speaker.

#### Passed to Be Enacted Emergency Measure

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years ending June 30, 1972 and June 30, 1973 (S. P. 682) (L. D. 1865)

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, 118 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.

#### Finally Passed

Resolve Dividing the State into 31 Districts for the Choice of Senators (S. P. 678) L. D. 1862)

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

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

Mr. JALBERT: Mr. Speaker, I move this bill and all of its accompanying papers be indefinitely postponed, and when the vote is taken I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that L. D. 1862 be indefinitely postponed.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House:

I would hope that you would vote against the motion and that we can proceed toward adjournment here in an orderly fashion.

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

Mr. ROSS: Mr. Speaker and Members of the House: As I mentioned this morning, I am in this most unpopular district with three counties, but I am willing to go along with this situation and I hope we will do it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to assure the gentleman from Pittsfield, Mr. Susi, that if we indefinitely postpone this amendment we will adjourn with proper decorum and quicker.

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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I think we can speed up everyone's action, our own, the corner office, and everyone else by voting for indefinite postponement because it isn't going to change one thing either way.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I would hate to see it go into non-concurrence at this stage of the game and I would hope that you would vote against the motion.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: There would be no non-con-

currence whatsoever and it is quite possible that if we could work this out, we could do it in the special session. We don't have to get ourselves caught up in this type of a box. We obviously have not agreed to this point. There is no need for us to pursue the matter. The easiest way to solve the problem is to kill it now.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that Resolve Dividing the State into 31 Districts for the Choice of Senators, Senate Paper 678, L. D. 1862 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, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Cyr, Dam, Dow, Doyle, Driogtas, Dudley, Emery, E. M.; Farington, Fecteau, Fraser, Gauthier, Genest, Goodwin, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lucas, Lynch, Mahany, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Slane, Smith, D. M.; Smith, E. H.; Starbird, Theriault, Trask, Vincent, Webber, Wheeler, Wood, M. E.

NAY — Ault, Bailey, Barnes, Bartlett, Berry, G. W.; Bither, Bragdon, Brawn, Brown, Churchill, Clark, Collins, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Finmore, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Susi, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury, The Speaker.

ABSENT — Baker, Bunker, Crosby, Curran, Evans, Faucher, Gagnon, Gill, Hancock, Lessard,

Lizotte, Manchester, Rand, Rochelneau, Santoro, Sheltra, Stillings, Tanguay, Whitson.

Yes, 63; No, 69; Absent, 19.

The SPEAKER: Sixty-three having voted in the affirmative, sixty-nine in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Order Out of Order

Mr. Millett of Dixmont presented the following Joint Order and moved its passage:

ORDERED, that the Senate concurring, that the Special Joint Select Committee of Inquiry, created by Joint Legislative Order, Senate Paper, 107, of the 105th Legislature, to examine and analyze operations, procedures and programs of the State Department of Health and Welfare be directed to extend such inquiry into the biennium for the purpose of collecting such facts by public hearing or otherwise and to make such further investigation with respect thereto as will enable said committee to report more fully thereon at the next special or regular session of the Legislature and the study of any subject or matter adjudged by said committee to be relevant or germane to the subject of its investigation or helpful to it in the consummation of its work as ordered, shall be deemed within the scope of the committee's inquiry hereunder; and be it further

ORDERED, that the members of this committee shall be compensated at the rate of \$20 per day while engaged in the performance of its duties and shall be reimbursed for all reasonable expenses actually incurred; and be it further

ORDERED, that \$10,000 be appropriated from the Legislative Account to carry out the purposes of this Order. (H. P. 1446)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: This order is somewhat similar to one that

I wanted to study concerning another department that was defeated in the other branch. The only difference is that my order did not have a \$10,000 price tag on it. Now there isn't any doubt in my mind that the Committee as headed by the gentleman from Dixmont, Mr. Millett, in whom I have a tremendous amount of faith for his honesty and integrity, has worked hard in their deliberations and reports to us at this special session. But that doesn't mean that we should perpetuate committees. Now I can remember one session when we did overload ourselves with special committees and it created nothing but chaos.

Now we have the vehicle to go by, the Legislative Research Committee. At this late date I would not attempt to put in an order that could do this work or have the Research Committee do this work. But the Research Committee can do this work and the Research Committee, after it would do its work, could call in any members of the Millett committee to give them what their thinking is. Actually we already know what their thinking is. They have given it to us.

Now I think somewhere along the line if we keep on with these special committees, that there will be no end to it and that is where John Q. Taxpayer really gets hit. This is certainly no feeling at all against any member that served on this committee and most certainly any reflection at all on the gentleman from Dixmont, Mr. Millett. I just don't believe this is the proper way to handle this situation. We have the vehicle to do it. It is their job and duty to do it and they usually do a fairly good job in looking into situations and they call in other committees. The Legislative Research Committee called in the Highway Committee to discuss problems with them at the last session. They called in the Appropriations Committee. They named a sub-committee headed by Representative Lund who did a very fine job and I think the thing was handled properly.

I don't speak in this particular instance at all as a former member of the Research Committee, as a former Chairman of the

Research Committee, or certainly I do not speak in a partisan nature. I just don't think this is a wise thing for us to do. I don't think that this is the proper procedure for us to go by and I move the indefinite postponement of this order and when the vote is taken I move it be taken by the yeas and nays.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I assumed when the gentleman from Lewiston started speaking he was talking about saving money. I listened very intently to him and I somehow failed to get his explanation, or he didn't get it across to me, why he felt that the Research Committee could do this particular task that this committee is assigned to do and do it more economically than this committee could do it. He may have got his message across to others but he failed to do so to me.

I somehow feel from what I have seen that the efforts of this committee look very good and I would be all for doing anything the best way possible for the least money possible. Certainly if the Research Committee does the work that this committee is scheduled to do, they have probably got to spend more time or they have got to hire experts or like personnel to do the amount of study that this committee is scheduled to do. I have seen no reason to find fault with this committee and I hope that you vote down the motion of the gentleman from Lewiston, Mr. Jaibert.

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

Mr. MILLETT: Mr. Speaker and Ladies and Gentlemen of the House: I do not want anyone to get the opinion this afternoon that I am saying in the form of this order that the committee which has worked on this particular problem has any greater qualifications than Legislative Research or any other possible committee that might be created.

However, it is the feeling of my-

self, and others who have worked in this particular field this session, that we have gained a working knowledge on a very complex subject. I would be the first one to admit to you that we have only scratched the surface of what is almost an insurmountable problem when you first analyze it.

I would like to point out to you some things that I think are very crucial in the upcoming six months maybe, and I am thinking now about the interim between our adjournment here today, if we do, and the next special session. I think with respect to the current legislation which is ongoing in the Federal Congress in respect to Family Assistance Plan which I can envision this committee, if it does continue, becoming thoroughly familiar with and also being in a position to report to the next special session any statutory changes which might be necessary in our current Maine law with respect to welfare.

I can also say to you that the amount of money expended in this current legislative session being half the appropriation sought here went 99 per cent in the form of actual staff assistance. The Committee has not benefited one bit and I do not want anyone to get the opinion that we are seeking to line our pockets by any continued appropriation.

This is a subject which requires a great deal of background. I think we have acquired some of that background in the course of this past six months, but I am one who would admit to you that we have just scratched the surface of a problem which I am willing to continue to work in. I don't propose to be an expert in the field, but I do feel this is a worthwhile investment toward at least educating 10 members of the present Legislature in terms of the problems which indeed are very complex.

I would like to also depart from the merits of the Committee and what work we might do and touch upon the appropriation which is contained in this particular order, and in doing so I want to try to avoid any kind of personalities at all. The actual intent of the bulk of this money would be to

probably secure the services of the present Assistant Legislative Finance Officer, who is very knowledgeable in this subject, probably as knowledgeable as any former member of this body.

It is our intention, along with the Governmental Operations Committee which would propose to study the operation of governmental reorganization — and even legislative research I would imagine, to share the services of this very competent man and to do so with money that is already in the legislative appropriation. Now I don't want to give you the impression we are bleeding the taxpayers beyond what has already been included in Part I and Part II budgets because, as you will note, it proposes to take the entire appropriation from the legislative account.

Now I have not been the author of this in every step of the way. I have cleared it with what I thought were every particular milestone or stepping stone in the course of drawing it up. I believe it is a fair order and I want to personally assure you that there is no intent on the part of any member of this committee or anyone involved here to do anything which would personally further our own personal ambitions.

I am willing, as I said earlier, to devote my time and I don't even expect to get my money back. But I think that the subject at hand is a worthwhile subject and I would hope that you would vote against the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The good gentleman from Dixmont, Mr. Millett, makes the statement that 90 per cent of the money expended would be for the services of someone within the Legislative Finance Committee and it would not be one to, as he quoted, and I am only quoting from him, "line his pockets." Well I mean if you just subtract the 90 per cent from the 10,000 spread over a committee of about ten or more people, that would leave a thousand dollars and certainly he is making an under-



statement when he says that he wouldn't serve to line his pockets. The Legislative Finance Office is under the direction of the Legislative Research Committee.

In answer to the gentleman from Perham, Mr. Bragdon, the Legislative Research Committee can hire that extra advance to be found in the family. And not only is he able to be found but I do not have any doubts at all that he has probably been found. But by the same token this sets up a special committee.

Now the State Government Committee made a long hard study after the Governmental Operations Committee for two years of which I was Vice Chairman studied governmental reorganization, government reform. They in turn gave everything to the State Government reform. They in turn gave everything to the State Government Committee. The State Government Committee turned around and they gave it back to the Legislature. And now another special interim committee is being made to study these 13 or 14 items, which I think is a fair deal because this is a mammoth problem.

The Legislative Research Committee is geared to work with this and the Finance Committee is the Committee that works for the Legislative Research Committee as well as the Legislative Research Committee order. And that is or should be explanation enough. Coupled with the fact that when the Legislative Research Committee does meet and study their various problems, they name committees made up of five to seven members who meet, and they have been meeting not too often on some of these sub-committees, and in that way they save a great deal of money. I am not downgrading the work that has been done. I am not downgrading the fact that maybe an expert could be had. But the expert should be had through the proper area, through the proper committee, and that is the Legislative Research Committee, not another newly formed committee.

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

Mr. SUSI: Mr. Speaker and

Ladies and Gentlemen of the House: We in this session are considering and are well along the way toward performing two special committees to deal with two separate major problems. One, reorganization, and there seems to be no argument about the need for this special committee. The other one is welfare, which I consider to be one of the major problems facing state administration and this Legislature at the present time here in Maine. I believe that you feel this way; and I believe that the people in Maine recognize welfare as the major problem facing us.

From evidence given earlier on this subject I believe that the budget here in Maine, total of our funds and the funds out of Washington, involve around \$140 million and the negative reaction towards the continuance of this committee is partially on the basis of economy. Let's consider this. Apparently it is about 2 percent of 1 day's expenditure in welfare. 2 percent of one day's expenditure in welfare that we are asking to support a legislative committee that would be dedicated solely to this project and I believe that considering the scope of the activities in welfare and considering the fact that we have done so little in the past in getting acquainted with the problems of welfare and the great need for it at the present time, that it warrants the efforts of this group, which already has shown to me their capability to deal with it.

I think it would be so wrong today to indefinitely postpone this order. I hope that you will support the order and that this committee will have an opportunity to do the fine work that it can do for the people of the State of Maine.

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

Mr. TYNDALE: Mr. Speaker and Ladies and Gentlemen of the House: I would have to agree with the gentleman from Lewiston, Mr. Jalbert, for one or two reasons. I have seen over the past decade more committees studying Health and Welfare than any other department that I know of and they haven't come up with the answer

yet. This is a very complex situation and I believe that if you are going to let somebody study it why the Research Committee should, under its present structure, take on this subject and do a job on it. They have admitted — Mr. Millett admitted that during the past year they have only scratched the surface and I would assume that they will do not much more—no reflection on the Committee — but because of the complexity of the matter, and I think the \$10,000 would not be justified.

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

Mr. MILLETT: Mr. Speaker and Members of the House: I want to assure the gentleman from Kennebunkport that I do not take on a challenge without having every intention of completing that challenge and I want to assure him further that if he feels the ten members of this committee are not capable of coming to you with some sort of recommendations that have some foundation to them I would not be standing here offering this order today. I want to assure the gentleman, and I mean this with every sincerity I have, I took this job on and I will give you something to work with and I will do it with every possible source of energy that I have.

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

Mr. COLLINS: Mr. Speaker and Ladies and Gentlemen of the House: I am one of the ten members that served with Mr. Millett on this committee and I want to assure you that it has been a labor; this little brief on the front of my desk contains just a small part of the working papers that we have gone through so far. I am not particularly anxious to perpetuate a committee for its own sake, but I can tell you that this is a very complicated subject and that I think that the House would be well intentioned to have some people in the House that have developed a working knowledge of the Health and Welfare. And I would support him in his order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Pittsfield, Mr. Susi, talks about an expensive program and that it should need further study. I could agree with him. I wish he would have agreed with me when I put in an order that the Legislative Research Committee study the policies and programs of the complex program as stated in the order of the University of Maine which has a \$53 million State of Maine price tag. \$53 million from the taxpayers of the State of Maine that we vote for in the Legislature. The vote was 122 - 10 and Mr. Susi was one of those that voted against that study.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion for indefinite postponement of this order. I feel that \$10,000 would be money well spent to continue in this area. Now I am sure that every member of this House has listened to Mr. Millett this past session making the presentation as House chairman of the Education Committee and to speak on the bills and inform us as to what the content of that bill was. Many times when we were in doubt even after having read the bills three and four times, and this alone shows to me that this man is dedicated in his work and he would be dedicated in this work.

I am sure that he would bring back so much information to us that a lot of it maybe we would not even be able to handle, because this man would work so hard that he would dig out the facts and at least we would know what is going on. I would hope today that we could support this order and not indefinitely postpone.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will just be brief. I don't want to be known as a big time spender, but I support this order and I think they have more than scratched the surface and I would like to see this committee continued and I am sure

that it will be money well spent and I hope you vote to pass this order.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I want to concur wholeheartedly with the gentleman, Mr. Dam from Skowhegan. I am not going to say that Mr. Millett is one of the most competent members of this House, I am going to come out and say that he is the most competent member and I am sure that we will get our full \$10,000 worth if he heads this study.

Mr. Donaghy of Lubec 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.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I wanted particularly to have someone rise and speak on this order anyway, and the gentleman did rise and did speak on the order and I have won my point. The only reason I wanted to — I would like to have the debate reopened because I won my point and I want to withdraw my motion to indefinitely postpone.

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

Mr. DYAR: Mr. Speaker and Members of the House: I wouldn't be against this motion but I think the gentlewoman from Falmouth, Mrs. Payson, who has headed up another committee who is studying this same field, should have a chance to speak.

The SPEAKER: The question before the House is, shall 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 pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, this Joint Order be indefinitely postponed. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Joint Order be 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 — Cote, Jutras, McTeague, Tanguay, Tyndale.

NAY—Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cottrell, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Drigotas, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Fecteau, Finemore, Gagnon, Gauthier, Genest, Good, Goodwin, Hall, Hancock, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McCormick, McKinnon, McNally, Millett, Mills, Morrell, Mosher, Murray, Norris, Page, Parks, Payson, Pontbriand,

Porter, Pratt, Rollins, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Susi, Theriault, Trask, Vincent, Webber, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Cooney, Curran, Faucher, Fraser, Gill, Lessard, Lizotte, O'Brien, Orestis, Rand, Rocheleau, Ross, Sheltra, Starbird, Stillings, Whitson.

Yes, 5; No, 129; Absent, 16.

The SPEAKER: Five having voted in the affirmative and one hundred twenty-nine in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Joint Order received passage and was sent up for concurrence.

#### Order Out of Order

Mr. Lucas of Portland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the State Board of Education be directed to declare a moratorium on the construction of regional technical-vocational centers at the high school level until January 1, 1974 excepting the following list of schools which are either operating centers or will be operating in the near future or are working on their final plans and are specifically authorized to continue: Augusta, Waterville, Westbrook, Sanford, Lewiston, SAD 46 — Dexter, SAD 1 — Presque Isle, Bath, Biddeford, SAD 61 — Bridgton, SAD 7 — Farmington, SAD 54 — Skowhegan and Portland; and be it further

ORDERED, that no new centers shall be authorized until the State Board of Education has made a thorough study of the Department of Education findings as reported to the 105th Legislature; and be it further

ORDERED, that the State Board of Education is authorized and directed to conduct a feasibility study with the Department of Education, Bureau of Vocational Adult Education, to determine the geographic locations of any proposed new regional technical vocational centers in Maine to meet the needs of students and

adults not presently being served by the present regional high school centers; and be it further

ORDERED, that the State Board of Education submit a written report of its findings, together with any necessary recommendations and implementing legislation, at the next regular or special session of the Legislature. (H. P. 1447)

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

Mr. Emery of Rockland presented House Amendment "A" and moved its adoption.

House Amendment "A" (H-510), was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, the purpose of this order is to include SAD 5 in Rockland and the Town of Brunswick among the exemptions listed on the moratorium for construction of vocational technical institutes at the high school level. In SAD 5 we have a project which is presently under consideration that involves federal funds and inclusion among the exemptions would give us an opportunity to advance this project in the local area. I would appreciate very much if you would go along with this amendment.

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

Mr. LUCAS: Mr. Speaker, Members of the House: The reason for the order is very simple. There is now on the books a moratorium on the construction of any more high schools, as we call them, regional vocational-technical centers. This was enacted in the last session of the legislature, and the only schools that have approval for vocational centers happen to be Portland and Lewiston.

However, you will notice that in the order it also requests that the State Board of Education in connection with the Department of Education, and the Vocational Department also, would make suggestions as to where any future centers would be constructed. I would assume from the conversations I have had with the gentle-

man from Rockland and the gentleman from Brunswick, Mr. Morrell, that their areas would be included under the feasibility study.

The naming of those two places for exemptions would give approval to them which we cannot pass upon, but the Department of Education should. So I would say — I am not opposed to having centers at Rockland or Brunswick, but I simply would move that probably those two areas would be included in the feasibility study that the State Board of Education would give to us in the next special session.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: Both Rockland and Brunswick plans have been completed and submitted, and this doesn't mean that the legislature is authorizing these two places. It merely does not extend the moratorium to them if in the opinion of the Department of Education they should go forward. So it merely says that you are not arbitrarily keeping the moratorium on two areas where they have got the plans well along similar to some of the other areas like Portland and Lewiston.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: A little knowledge I guess probably is a dangerous thing, but I guess we have got a little time to waste anyway here, and I would like to explore a little more of this order.

It seems that in the last session I do recall that I think that probably I had some connection with its formation. I think there were some grave doubts in certain quarters that we should go slow on the creation of these centers, and as I read hastily through this order, obviously this would appear to me to be amending the action of the last legislature by including other centers perhaps in advance of any recommendations by the State Board of Education, which apparently the order of the last session recommended.

I am one of those who felt that we should go slow in the creation of these vocational centers at the high school level, because of the tremendous expense to the state, and I am sure there may be somebody here familiar with the actions of the Board with regard to the order of the last session. And if they have any ideas I would certainly be glad to hear them. If not, I just would welcome any information with regard to this thing.

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

A vote of the House was taken. 79 having voted in the affirmative and 13 having voted in the negative, House Amendment "A" was adopted.

Thereupon, the Joint Order was passed as amended and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

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)

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

On motion of Mr. Cote of Lewiston,

Recessed until the sounding of the gong.

#### After Recess

Called to order by the Speaker.

#### Non-Concurrent 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) which failed passage to be enacted in the House earlier in the day.

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

In the House:

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

Mr. SUSI: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House recede and concur. To recede and concur on this matter under the Constitution requires a two-thirds vote.

Mr. Farrington of Old Orchard Beach requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House recede and concur. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

YEA — Albert, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Bustin, Call, Carrier, Carter, Churchill, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Crosby, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Drigotas, Dyar, Finemore, Fraser, Gagnon, Gill, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Hewes, Hodgdon, Immonen, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewis, Lincoln, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McKinnon, McNally, McTeague, Millett, Mills, Murray, Norris, O'Brien, Page, Parks, Payson,

Pontbriand, Ross, Santoro, Scott, Shaw, Silverman, Simpson, T. R.; Slane, Smith D. M.; Starbird, Susi, Theriault, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury, The Speaker.

NAY — Ault, Bedard, Berry, P. P.; Brawn, Carey, Cummings, Doyle, Dudley, Emery, D. F.; Farrington, Fecteau, Gauthier, Genest, Goodwin, Hancock, Henley, Herriker, Jutras, Lewin, Littlefield, McCormick, Mosher, Porter, Pratt, Rollins, Shute, Simpson, L. E.; Smith, E. H.; Tanguay, Trask, Tyndale, Vincent, Webber.

ABSENT — Curran, Emery, E. M.; Evans, Faucher, Lessard, Lizotte, Morrell, Rand, Rocheleau, Sheltra, Stillings, Whitson.

Yes, 106; No, 33; Absent, 12.

The SPEAKER: One hundred and six having voted in the affirmative, thirty-three in the negative, with twelve being absent; one hundred and six being more than two thirds, this Bill is passed to be enacted, will be signed by the Speaker and sent to the Senate.

At this point, a message came from the Senate borne by Senator Hoffses of that body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

On motion of Mr. Susi of Pittsfield, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had acted on all matters before it and was ready to adjourn without day.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: We have reached the end of a session and before we leave today I thought I would take a few minutes to thank a number of people who I think made the session possible.

First of all, to thank the Clerk of the House and the staff of the Clerk of the House and everyone else who worked for us, particularly the secretary to the

Majority Floorleader and the secretary to the Minority Floorleader, who endured the leadership through it all; to thank the Speaker for having endured me and to the members of the Republican party who at sometimes I am sure would have hoped that I was not here at all; to the gentleman from Pittsfield, Mr. Susi and the gentleman from Lincoln, Mr. Porter for having stood me in and out of their office. And of course in particular I want to thank the Democratic members of the House who I think have made it a very profitable session for us all, and I think all of both parties can go home with pride and feel that they have accomplished something during this session.

And of course before I sit down I have to thank my seatmate who endured me and I guess at times I endured him. And so to all thank you and I hope that we see one another again at the special session. (Applause)

**(Off Record Remarks)**

The following paper from the Senate was taken up out of order by unanimous consent:

The following Order:

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor and inform him that both branches of the Legislature have acted on all matters before them and are now ready to receive any communication that he may be pleased to make. (S. P. 685)

Came from the Senate read and passed, and the following appointed as members of the Committee on the part of the Senate:

Messrs. WYMAN of Washington  
GREELEY of Waldo  
FORTIER of Oxford

In the House, the Order was read and passed in concurrence, and the Speaker appointed the following members on the part of the House:

Mrs. BAKER of Orrington  
BERRY of Madison  
BERUBE of Lewiston  
BOUDREAU of Portland  
BROWN of York  
CUMMINGS of Newport

DOYLE of Bangor  
GOODWIN of Bath  
KILROY of Portland  
LINCOLN of Bethel  
McCORMICK of Union  
PAYSON of Falmouth  
WHEELER of Portland  
WHITE of Guilford  
WOOD of Castine

Mrs. Baker of Orrington for the Committee subsequently reported that the Committee had performed the duties with which it was charged and that the Governor would be present in the House forthwith.

His Excellency, Governor Kenneth M. Curtis, accompanied by members of the Executive Council, entered the Hall of the House amid applause of the House, the members rising, and delivered the following communication:

GOVERNOR CURTIS: Mr. Speaker and Members of the House: First let me express my appreciation for providing such a lovely escort in here this afternoon. I would just like to say that we all know that it has been a long and difficult and I expect to many a frustrating session, so it is not my purpose here this afternoon to prolong it any longer with any words that I might have for you.

I don't think it is for me, in this short period of time, to pass upon the accomplishments of this legislative session, because probably only history can actually pass upon the effectiveness of the many laws that we have enacted at any period of time.

We know that views vary in the House here in the membership and we know that views vary among the people that we serve. But I think there is no question that there were many important pieces of legislation that were enacted in this session that will be associated with the 105th Maine Legislature.

We made a start in government reorganization, increased the Minimum Wage, extended the Maine Land Use Regulation Commission. We offered a program of tax relief for the elderly, instituted a program of municipal revenue sharing, enacted an 18-year old vote, and many others.

But I think most important in these difficult times, and the reason that I think Maine people owe

you such a vote of thanks, has been from your willingness to serve in this capacity during these times. And I think there is no secret that we will be back together again in all probability and I want to at this time express my appreciation to you for the opportunity to work with you, to know you, to say that I look forward to this continuation, and I want to wish you a most pleasant summer. Thank you. (Prolonged applause, the Members rising.)

Thereupon, Governor Curtis and members of the Executive Council retired from the Hall of the House.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, Members of the House: Somehow it makes me a little nostalgic when it comes time for me to make the motion which I am about to make. I first came here in 1951, and since that time I have seen many good legislators come and go. Many have gone and travelled the last long trail, but I want to emphasize that they were all good people.

In my experience everyone who is elected to the Maine House has something going for him. Unless you have what it takes, it is impossible to get the five or six thousand votes from the people who know you to get yourself elected.

Now this doesn't mean we all agree; far from it. They say that

a difference of opinion is what makes horse racing. We talked a lot; we disagreed violently at times. But on the whole I think our decisions were sound.

The lordly moose can still roam the wilderness in peace, provided he does not try to erect a shelter in an unorganized town. The white man came near not being able to enjoy those delicious fiddlehead greens growing along the Penobscot River, but he can still catch two-inch trout. After all, it was not so bad.

I am sure we have made many lasting friendships. Our decorum has been good; our Speaker has seen to it that we all sooner or later got a chance to speak our piece, no matter how long winded we were. For that we thank him.

It is said that a woman always has the last word. I know that in 52 years I never had much luck arguing with my wife. However, it looks to me as if I am to have the last word today.

I now, with some regrets and mostly with great joy, move that the 105th Legislature adjourn sine die.

The SPEAKER: The gentleman from Hodgdon, Mr. Williams, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 5:53 P.M., Eastern Daylight Saving Time, Thursday, June 24, 1971, the Speaker declared the House adjourned without day.