

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Wednesday, February 9, 1972

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

Prayer by the Rev. Mr. Roger Bolduc of Old Orchard Beach.

The journal of yesterday was read and approved.

Order Out of Order

Mr. Farrington of Old Orchard Beach presented the following Order and moved its passage:

ORDERED, that Marcia Harris and Wendy Weiler of Saco be appointed to serve as Honorary Pages for today.

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

Papers from the Senate

From the Senate: The following Orders:

ORDERED, the House concurring, that the Joint Standing Committee on State Government be directed to report out a Bill implementing the reorganization of the Department of Manpower Affairs (S. P. 751)

ORDERED, the House concurring, that the Joint Standing Committee on Public Utilities is directed to report out a bill directing the Waterville Sewerage District and the municipalities within the Kennebec Sanitary Treatment District to maintain and operate interceptor sewers and pumping stations (S. P. 754)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act Increasing Membership of State Parole Board" (S. P. 696) (L. D. 1877)

Report was signed by the following members:

- Messrs. HARDING of Aroostook
- TANOUS of Penobscot
- QUINN of Penobscot
- of the Senate.
- Mr. PAGE of Fryeburg
- Mrs. BAKER of Orrington

- Messrs. HEWES of Cape Elizabeth
- HENLEY of Norway
- KELLEY of Caribou
- LUND of Augusta
- ORESTIS of Lewiston

- Mrs. WHITE of Guilford
- Mrs. WHEELER of Portland
- of the House.

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

Report was signed by the following member:

- Mr. CARRIER of Westbrook
- of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

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

Non-Concurrent Matter

Bill "An Act relating to Speed of Motor Vehicles on Expressway Systems and to Clarify the Definition of Motorcycle to Exclude Certain Traffic Control Vehicles" (H. P. 1513) (L. D. 1955) which was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "B" in the House on February 3.

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

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

Messages and Documents

The following Communication:

State of Maine
 HOUSE OF REPRESENTATIVES
 Office of the Clerk
 Augusta, Maine

February 8, 1972

Honorable David J. Kennedy
 Speaker of the House
 One Hundred and Fifth Legislature
 Sir:

I have appointed for the Special Session the following officers to fill vacancies:

- Sandra J. Pomerleau of Augusta, Secretary to Clerk.
- Carol A. Veilleux of Augusta, Secretary to Assistant Clerk.
- Marjorie V. Saporita of East Vassalboro, Legislative Docket Clerk.

Carol L. Payette of Hallowell,
Assistant Legislative Docket Clerk.

Barbara A. Gagne of South
Gardiner, Journal Copy Clerk.

Carmen Cyr of Augusta,
Amendment Clerk.

Respectfully,

(Signed)

BERTHA W. JOHNSON

(Mrs.) Bertha W. Johnson

Clerk of the House

The Communication was read
and ordered placed on file.

Orders

Mrs. Berry of Madison was
granted unanimous consent to
address the House.

Mrs. BERRY: Mr. Speaker,
Members of the House, and particularly the male Representative from Skowhegan: Many friends here in the House, and believe it or not I have a few, have approached me very much concerned and asking me why I did not fight back yesterday on what they described as being one of the worst attacks on a person allowed on the floor of this House. I told them, realizing from whence it came I did not care to waste my breath or the State's money in doing so. Today is different.

I also had other reasons, knowing it was true I had sponsored a bill coming from outside my district, but at the request of not one person but an entire board of trustees concerned with the issue, all of whom were aware of it, and it being non-controversial.

Also being aware and not ashamed of my 100 per cent roll call vote, two or three of which were recorded as absentee because of a so-called mechanical failure — and this you can go to the head office to find out; and knowing I had a 100 per cent attendance at sessions, and knowing my voting record, as all others, was open to public exposure and that my voting on most issues was the wishes of interested constituents: and also knowing that this male Representative from Skowhegan had a 57-absentee roll call vote, including many on liquor and those reducing the voting age, adult rights, many on pollution to my surprise, including solid waste, water quality standards, violation of Environ-

mental Protection Law, deposit of oil, forest products, and refuse in the waters of our State, and others on this subject.

Also absent on those referring to relief to the elderly, on the property tax, aid to the aged, blind and disabled, expanding the coverage on the Workmen's Compensation Law, extending unemployment benefits, increasing the minimum wage numerical exemptions, and many more, many of which he referred to in his attack on my voting record. At least mine are recorded.

Realizing also that this male Representative was not unique in some of his practices, knowing that it is common among legislators to dwindle their stamps willingly, not grudgingly, to people in towns outside their districts as I have done, even sending some to the Town of Skowhegan.

Realizing too that this male Representative must have forgotten that town books are also open to the public, even me, and that the person to which he referred is not the highest taxpayer in the Town of Cornville.

And lastly, and perhaps one of the most important reasons to me, being a woman, was that it pleased me no end to see that it took two of the opposite sex, Faucher of Solon and the 57-time roll call absentee male Representative from Skowhegan to conspire against me.

Mr. Ault of Wayne was granted unanimous consent to address the House.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: I was standing in the rear of the House yesterday when the debate on this question was going on, and rather than violate Rule 11, which says thou shall not pass between a person that has the floor and the Speaker of the House, and also because I believe it is discourteous to walk in front of anybody that is speaking down here, I stayed back there rather than come down to my seat. Although I must say it took considerable restraint to keep myself from coming down and physically putting Mr. Dam in his chair.

Now Mr. Dam said yesterday that Mrs. Berry doesn't very well

represent the people of Cornville and he implied that he does a better job of it. Well I might tend to agree that he does a better job of representing the people of Cornville, but not better than Mrs. Berry — better than he represents the people of Skowhegan, as pointed out by his voting record. I would point out to Mrs. Berry that Mr. Dam has missed another roll call vote, making it 58, and that he has missed one at this special session.

I counted the roll call votes this morning and found that Mr. Dam had missed 57 out of 315 in the regular session and the record showed that Mrs. Berry had missed three, which she has corrected for us.

So I would suggest to Mr. Dam that if he lives in a glass house, don't throw stones; and if he has any question whether this saying applies to him I would also suggest that if the shoe fits, wear it, and I don't mean a shoe that is made in Skowhegan but the kind that is commonly put on the animal that represents the Democrat Party.

The SPEAKER: The Chair would announce at this time that this Speaker will not tolerate any controversy over personalities in this body. Those members who do not understand that they may at any time rise on a point of personal privilege when they feel that they are being attacked, the Chair will rule that that individual is now out of order under general parliamentary law. Questions should not be permitted which reflect upon the character or conduct of any member or even upon the Chief Executive of this state.

So please, fellow members, keep yourselves within the bounds of decorum and decency as it may reflect upon the character or conduct of your fellow members.

On motion of Mr. Lund of Augusta, the House reconsidered its action of February 8 whereby the House voted to recede and concur on Resolve Providing a Minimum Service Retirement under the State Retirement Law for Marion Gates of Phillips; Mae A. Bowden of Coopers Mills and Edith Wiggin Carter of Topsham and Chris-

tine B. Delano of Verona, House Paper 1520, L. D. 1962.

On further motion of the same gentleman, the House voted to recede.

The House voted to recede from the adoption of House Amendment "A".

Senate Amendment "A" to House Amendment "A" (S-332) was read by the Clerk and adopted in concurrence.

House Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

Mr. Lund of Augusta then offered House Amendment "A" and moved its adoption.

House Amendment "B" (H-531) was read by the Clerk and adopted.

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

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

Mr. KELLEHER: Mr. Speaker, I would ask if the House is in possession of L. D. 1938?

The SPEAKER: The answer is in the affirmative. Majority Report of the Committee on Liquor Control reporting "Ought not to pass" on Bill "An Act relating to Retail Sale of Wine," House Paper 1495, L. D. 1938, and Minority Report reporting "Ought to pass," on which the House accepted the Majority "Ought not to pass" Report yesterday.

The Chair recognizes the same gentleman.

Mr. KELLEHER: Mr. Speaker, I move that we reconsider our action of yesterday whereby the Majority "Ought not to pass" Report was accepted.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, now moves that the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report.

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the

House: We are all aware of the soundness, I suppose, of the parliamentary procedure of reconsideration and holding a bill over, and the next day upsetting it. Of course it has been done many times; it will be done many times again. It seems unfortunate that we have to go through this procedure of debating a bill over and over, but what alternative is there?

Yesterday the opponents of L. D. 1938, An Act relating to Retail Sale of Wine, and if one goes on with it, it puts retail sale of wines completely wide open in grocery stores. If it would be accomplished, and probably it will sometime, our grocery stores would have one third of its counters with beer, one third of its counters with wine, and one third probably groceries.

We all examined the report of the committee, and I am sure they examined the testimony at length in their hearing. It came out of the hearing with a huge majority of the committee members reporting "ought not to pass," with only three members of the House stating that it "ought to pass." The three members I believe are interested in the expansion of the liquor business in the State of Maine which, of course, is their right if they feel that way.

But why should we have voted as even as we did yesterday? It is hard to understand why, with a committee report like that on a bill that I still maintain should not have been in a special session. It had no emergency preamble. There has been no emergency declared or no emergency spoken of by any of the proponents of putting wine, fortified wine in grocery stores. I think that for no other reason this bill should be defeated, that it should not be in an emergency session, just like some of the other bills that we have got. That is number one; that is reason enough.

Second, again to repeat myself of yesterday, three years ago, in the 104th, we listened to weeps all over the place about the wine, the table wine that was getting dusty on the shelves of the warehouses, that nobody would buy it in the liquor stores, they didn't

have room to store it. Consequently it was a white elephant, and this idea was thought up to move the table wines.

I still maintain, and it is a matter of record, that the "wets" at that time told us one after another that all they wanted was to put light wines in the grocery stores. They didn't want anything else; that was all. And a lot of us said, "Well, it is just another foot in the door."

Still, that particular argument did gain some credit, because I know and we all know that there is a type of character across our country, some retired people, some people that are in social groupings that are very strongly opposed to liquors, hard liquors, religious people a good many times will take a drink of light wine, but they hate to have their neighbors know that they go into a liquor store to get it. That has been a large share of the tremendous market for light wines in the grocery stores, and consequently we were sold on it and we let the bill go through, possibly with misgivings.

So the very next session, what happens? They want to put all the wines in the grocery stores. Supposing we put all the wines in the grocery stores, what about the 106th? Do we want to put gin in the grocery stores or just bourbon, or will they try to put it all in there?

I think that many of you know, even though I am not a boozier, that I am not a teetotaler. Back along I was a little bit more lenient on a lot of liquor bills. But records have shown, statistics have shown that the increase of the consumption of alcoholic beverages is our top priority on accidents on our highways and on many other problems of youngsters as well as older people. So why must we forever be pushing more of it onto our markets?

Sure, it is so easy for the proponents of this bill to say that it will only make a difference between getting it there and getting it in the liquor stores. No, it will make a lot of difference because

the grocery stores, a lot of them are open until eight, nine and ten o'clock at night a lot of nights. So it will be all hours that they will be able to procure this. Also, there is no good way of overseeing the purchase of this wine in the stores like there is in liquor stores, to clearly define who is buying it and who is not buying it. All this, of course, you are familiar with.

This morning, now that we have the bill up for reconsideration, let's defeat this request for reconsideration. All of those 69 people, if they are here today, who voted yesterday to uphold the committee's finding of the vast majority, "ought not to pass," let us vote for this and some of the rest of you, if you have thought it over, why not switch over to the other side and let's kill this bill completely once and for all.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just a few comments on this document that is back before us this morning and in one respect about Mr. Henley's remarks about people going in and procuring this at the hours that the grocery stores are open, I don't see anything wrong with this; this is a convenience for the consumer. This is a convenience for the people in the state that would care to use this type of beverage. It is a housekeeping bill as far as I am concerned.

We have got wines in one area in the sales division of this state in the grocery stores and you have got others in the liquor stores. This just cleans it up; puts it over where it belongs, and this is where it should have been before. I was of the understanding this was what the intent of the original bill was for. That is why this document is in here this morning, just a little housekeeping matter.

The State of Maine is in favor of it. The Liquor Commission, they would like to put it in the grocery stores. I think the people of the state are in favor of it and

I can't see any reason why this morning that we wouldn't reconsider it. I hope the House moves with me for reconsideration.

Mr. Henley of Norway 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 Bangor, Mr. Kelleher, that the House reconsider its action of February 8 whereby it accepted the Majority "Ought not to pass" Report on Bill "An Act relating to Retail Sale of Wine," House Paper 1495, L. D. 1938. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Berube, Binnette, Boudreau, Bourgoins, Brown, Bustin, Carter, Clemente, Cooney, Cote, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Dyar, Emery, E. M.; Farrington, Fecteau, Fraser, Genest, Gill, Goodwin, Hancock, Hayes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Label, Lee, Lessard, Lewis, Lizotte, Lynch, MacLeod, Manchester, Marsh, Martin, McCloskey, McKinnon, McNally, Murray, Norris Orestis, Parks, Pontbriand, Rocheleau, Sheltra, Simpson, L. E.; Slane, Smith, E. H.; Tanguay, Theriault, Vincent, Webber, Wheeler, Whitzell, Williams.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Bither, Birt, Bragdon, Bunker, Call, Carrier, Churchill, Clark, Cottrell, Curtis, A. P.; Dudley, Emery, D. F.; Evans, Faucher, Finemore, Gagnon, Gauthier, Good, Hall, Haskell, Hawkins, Henley, Herrick, Hewes, Immonen, Kelley, K. F.; Lawry, Lewin, Lincoln, Littlefield, Lucas, Lund, Maddox, Marstaller,

McTeague, Millett, Morrell, Mosh-
er, Murchison, Page, Payson, Por-
ter, Rollins, Ross, Scott, Shaw,
Shute, Silverman, Simpson, T. R.;
Stillings, Trask, White, Wight,
Wood, M. W.; Wood, M. E.; Wood-
bury.

ABSENT — Bernier, Berry, P.
P.; Brawn, Carey, Collins, Conley,
Crosby, Donaghy, Drigotas, Hardy,
Kelley, P. S.; Mahany, McCormick,
Mills, O'Brien, Pratt, Rand, San-
toro, Smith, D. M.; Susi, Tyndale,
Whitson.

Yes, 66; No, 62; Absent, 22.

The SPEAKER: Sixty-six having
voted in the affirmative and sixty-
two in the negative, with twenty-
two being absent, the motion does
prevail.

The Chair recognizes the gentle-
man from Bangor, Mr. Kelleher.

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

The SPEAKER: The gentleman
from Bangor, Mr. Kelleher, now
moves that the House accept the
Minority "Ought to pass" Report.

The Chair recognizes the gentle-
man from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and
Ladies and Gentlemen of the
House: I would like to make one
more appeal. My friend Mr. Kelle-
her from Bangor states that he
understood that the purpose of the
bill originally that put the wine in
the stores was to put all wine
in the stores. I feel about that a
good deal as one of Will Rogers
remarks relative to — someone
was telling him about a big fish
that he caught and telling him
how big it was. And Will told
him, he says, "Well, it must have
been pretty big." He said, "Would
you believe that if anybody else
told you that?" He said, "No, I
never would have believed it." Will
said, "I didn't see the fish, I didn't
catch it." I really don't think
that anybody was under the im-
pression when this bill went through
in the other session of the legis-
lature that it intended for all wines
to go in grocery stores.

The whole state knew that it
was merely for the unfortified, the
light table wine; that is the only
reason that it ever got through at
that time.

As for the sale of wines at odd
hours such as grocery stores would
maintain being the will of the
people, how do we know it is the
will of the people? They haven't
had a chance to say anything on
it, in an emergency session. There
was no build-up on it, there was
not much time or much advertising,
there was no chance to confer
with the constituency. How do we
know how our people back home
feel about stocking all kinds of
wine, powered and other wine, no
matter how much alcohol in our
grocery stores? It seems to me
we are taking rather a high hand
in the matter.

It is astounding to me that we
will push things through like this
in an emergency session, as I
stated before; in an emergency
session, and there is no emergency
preamble on it. I think that some
of the members of the committee
who voted "ought not to pass"
have explained many reasons why,
in addition to what I have had to
say, and I am just going to finish
by asking you to consider well how
your constituency is going to take
it back home before you overturn
the vast majority of the commit-
tee's findings on such an important
matter which has so much to do
with your constituency. They may
not like it if you take and rush
this through like it is apparently
going.

The SPEAKER: The Chair recog-
nizes the gentleman from Port-
land, Mr. Lucas.

Mr. LUCAS: Mr. Speaker and
Members of the House: I rise
reluctantly to speak on this item;
however, in reading the debate of
yesterday, and hearing the com-
ments of Mr. Kelleher, I agree
that this is not a matter of a wet
or dry versus one another, but a
matter of legislative intent. And
here I have before me the Act
approved in June of 1969 which
defines table wines as 14% by
volume. It is very clear to me
that we are simply bypassing the
legislative intent of 1969 without
the voter approval.

I would be very happy to hear
those three people who signed the
"ought to pass" report, Mr. Tan-
guay, Mr. Slane or Mr. Lizotte to
clarify this item.

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

Mr. DYAR: Mr. Speaker, Members of the House: I think this morning there has been some aspersions cast on the business communities in this state, of which I am a member. My business is open until nine o'clock at night five nights a week and until eleven two nights a week.

I do not sell wine. I do have orange extract and rum extract on my shelves, which is 160 proof. We do a big business in vanilla, which is bought by housewives. We sell a lot of Geritol, and I would not dare to stand here this morning and quote the proof of Geritol.

Thereupon, Mr. Curtis of Bowdoinham requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call 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 Bangor, Mr. Kelleher, that the House accept the Minority "Ought to pass" Report. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bedard, Berube, Binnette, Boudreau, Bourgoin, Brown, Bustin, Call, Carter, Clemente, Cooney, Cote, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Dudley, Dyar, Emery, E. M.; Farrington, Fecteau, Fraser, Genest, Gill, Hancock, Hayes, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lebel, Lee, Lesard, Lewis, Lizotte, Lynch, MacLeod, Manchester, Marsh, Martin, McCloskey, McKinnon, McNally, Mills, Murray, Norris, Orestis, Parks, Payson, Pontbriand, Rocheleau, Sheltra, Simpson, L. E.; Slane, Smith, E. H.; Tanguay,

Therault, Vincent, Wheeler, Whitzell, Wood, M. W.

NAY — Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Bunker, Carrier, Churchill, Clark, Cottrell, Curtis, A. P.; Emery, D. F.; Evans, Faucher, Finemore, Gagnon, Gauthier, Good, Goodwin, Hall, Haskell, Hawkens, Henley, Herrick, Hewes, Immonen, Kelley, K. F.; Lawry, Lewin, Lincoln, Littlefield, Lucas, Lund, Maddox, Marstaller, McTeague Millett, Morrell, Mosher, Murchison, Page, Porter, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Stillings, Trask, White, Wight, Williams, Wood, M. E.; Woodbury.

ABSENT — Bernier, Berry, P. P.; Brawn, Carey, Collins, Conley, Crosby, Domaghy, Drigotas, Hardy, Kelley, P. S.; Mahany, McCormick, O'Brien, Pratt, Santoro, Smith, D. M.; Susi, Tyndale, Webber, Whitson.

Yes, 69; No, 60; Absent, 21.

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

The Bill was read twice and tomorrow assigned.

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

Mr. LYNCH: I would ask if the House is in possession of L.D. 1970?

The SPEAKER: The answer is in the affirmative. The House is in possession of Bill "An Act Permitting the Commissioner of Education to Assign Towns to Supervisory Units when Fewer than 35 Teachers are Employed," House Paper 1527, L. D. 1970, on which the House voted to adhere yesterday to its former action whereby the Bill was indefinitely postponed.

Mr. LYNCH: Mr. Speaker, I move that we reconsider our action of yesterday whereby we voted to adhere and I would speak to my motion.

The SPEAKER: The gentleman from Livermore Falls now moves the House reconsider its action of yesterday whereby it voted to

adhere. The gentleman may proceed.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I am sure I am going to bore some and I am going to irritate others, but hopefully I will enlighten a few, more than has been done in the few days that we have acted upon this legislation. And I do not rise reluctantly.

I have several concerns and I am willing to do battle for them and I am willing to use every resource available to me. The first vote on this was 97-36 to kill it. The second vote was 63-54 to kill it. I am sure, ladies and gentlemen, as you think about this legislation that you will come around to my way of thinking. I have several concerns, as I said; this was a unanimous "ought to pass" report from committee.

Now, in the regular session, I ruffled some feathers of another committee for not defending on the floor of the House the pros and cons of a bill. I am disturbed at the present time that a unanimous "ought to pass" committee has not defended on the floor of the House. I think any committeeman who votes in committee to a stand on an issue ought to be willing to stand up and be counted and defend his position.

Now, I was not aware of the need for any legislation on this particular field until the bill appeared in print. I became interested. Where there is personal injury, where there is injustice, where there is physical insanity or governmental irresponsibility, I will do my utmost, as we all should do, for the people of Maine, and that means all the people. I am not one who is willing to sweep aside and bury in the files legislation that might affect small areas of this state; small because they don't have political power, they don't have votes enough to be counted. I hesitate to say this but I am afraid that many of the people in this state are sitting very smug and well satisfied within their own organized SAD's, school districts and school unions. They don't want to be bothered by their friends in the small, less affluent areas.

Now I am not lobbying for the Commissioner, I am not lobbying for the Department of Education. Intellectually, they are well equipped to take care of themselves. I am trying to speak for 1360 youngsters in rural areas of the state. There are several misconceptions and I have just found out about them.

I am not a teacher. I did have experience in the early 40's when I taught for several months, simply to assist the youngsters in our high school in math and science when it was impossible to get a substitute teacher during the course of the year. And I did that in conjunction with my duties as night superintendent. Now that was a personal sacrifice for me and my family, several long months.

I spent fifteen years on a school committee until we formed an SAD and that was a personal sacrifice, not for money. Fifty dollars a year for countless hours spent nights, well into the morning, especially at budget time. And I say this not to be boastful, I simply want to show to the members of the House that my concern in the field of education is directed toward the youngsters in the towns, especially these 1360.

Now if the Commissioner would like to have this document passed, he has a reason. It would make it easier for him to provide supervisory positions for these two, three, four, five and six teacher schools. I think we ought to give him the opportunity.

This is not a foot in the door approach to mandatory districting. Mandatory districting or anything approaching it still remains within the prerogatives of this Legislature to pass upon. This is a trial, this is an experiment. I think we ought to pass this form of legislation to see if it would help a few small pockets of poor education in the towns.

Now the other day one of the opponents said that one of the towns concerned has a better educational system than his own community. I hope the gentleman was not inferring that because they have dope and sex that it is the responsibility of the superintendent. If a school system is that

infested with drugs, sex and other objectionable practices, I am sure the Commissioner of Education would not assign one of these small towns to that district; he is interested in providing the children with good supervision.

Now, it is hard to argue a thing like this because my feelings come not from the head so much as they do from the heart. And how do you convey a feeling of compassion and charity in words? That is something that comes from inside, either you have it or you don't, and I am asking you this morning if you won't reconsider your previous vote so that I may make a motion to insist and ask for a Committee of Conference and if there are any objectionable features in this bill, I am sure they can be ironed out.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen: We have had this bill here on two occasions. It has been beaten badly. I have never received as much good comment by letter and over the telephone from Rome and Mt. Vernon as I have on this L. D. They do not want to be forced to have a superintendent which is not of their choosing.

As I have said before, in the town where I live is the high school of SAD 47; my wife is a member of that board of the school directors. I would be the last in the world to cut my own wife's throat or say that this is a bad system. I did not say anywhere in my remarks that the superintendent was doing a bad job or the teachers were doing a bad job. I said that in a large — a group of people, this does occur. If you don't believe it, live on a farm, have one dog; he will not chase deer. But if five or six dogs come together, I will guarantee they will kill deer. This is the same thing.

Rome and Mt. Vernon have one of the best systems of education. And as I pointed to you yesterday, they only have ten in their class, and I did find out that I said nine was the average. My arithmetic was a little bad because I divided

by eight. Gentlemen, they have kindergarten over there too, that is nine. They don't have that many. I did a little checking some more last night in SAD 47 and I found out they are averaging from 22 to 30 in their classes, not eight or nine, same as they have the privilege over there.

Now gentlemen, I do not know why the school Educational Department here in Augusta is so interested in this bill, if they are not interested in their own financial aids. I haven't heard one word here for the benefit of the children but other than the idea that they want the benefit for themselves, and I hope you do not strip the voters of this right which they now have and they have very little of it left. I hope you will go along with me this morning and do not let this be reconsidered.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think I can enlighten you on some of the figures, some of the statements made by the gentleman from Oakland. He is not as well versed as he would like you to believe.

First of all, yesterday he said, and he apparently is well familiar with the town of Rome and their educational system, that Perry Shibles is their superintendent. Now, if he is that well acquainted with Rome, he ought to know that Mr. Bagley is the superintendent. He ought to know that the superintendent is assigned by the Commissioner and that the town of Rome and the town of Mt. Vernon, out of all these small areas, are fortunate to be able to have retired superintendents filling the supervisory position on a part-time basis. Other communities are not that fortunate. Other communities have a constant changeover in supervision.

Now where there is constant change in supervision there is no continuity of good education, and you have to have good education. You have to have better education as time goes on. It is not as easy to get a job, a good job, and hold it today as it was 20 years ago. It

is going to be more difficult 20 years from now. Competition is getting rough.

And where we have spent so much time on deer, raccoon hunting, fish, the size of outboard motors on streams, on wine, I think it is time that we reorder our values and consider people. Deer don't pay taxes, dogs don't pay taxes; people pay taxes. And the only way people can pay taxes is if they have a good income, and the only way they will have a good income today and in the near future is from a good job. It is as simple as that.

Now let me make one other point. In the town of Rome there are 74. The gentleman from Oakland said 75, but the Department of Education had its count given to it on a certain date. We won't quarrel over one student. He said class size is small. The Department says three teachers, if there is a teaching principal, let's say four. Four teachers — 74 or 75 pupils, but you have grades K through 8. That means multiple grades.

Perhaps the size of a grade is small, but the number of students handled by an individual teacher is comparably equal to that in the other school unions or districts, and the job of handling multiple grades is not as easy, and I don't believe the education rendered to the children is equal to that where a teacher can give his full time or her full time to one grade.

There are a lot of problems in this area, ladies and gentlemen, and I hope that you will go along with me in the motion to reconsider so that we may iron out any difficulties that exist or imagined and report it back. I hate to see this thing swept into the files.

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

Mr. BRAWN: I would like the privilege of answering two questions.

The SPEAKER: The gentleman may proceed.

Mr. BRAWN: The gentleman has just said here that I was not very familiar with Rome. Maybe I am not. I have one telephone beside my bed, I have one out in

the living room, and at 6:30 the other morning my telephone rang. The alarm was going off at the same time, I shut off the alarm. I said, "Good morning," the gentleman on the other end of the line said, "I am the superintendent of Rome, Perry Shibles."

Now maybe he doesn't know he is the superintendent over there. I said "I did not know you were over here." He said, "Yes, I have been assigned here." He said, "I am here two days a week." He said, "I wanted to get in touch with you this morning in regards to this bill." He said, "I am going to Florida, day after tomorrow."

I do not think Perry Shibles would lie to me, he came from my district; he was my teacher. He was the first superintendent, when he first was superintendent in the school which I attended, in the grammar school back in the 20's.

Now when the gentleman said, "I do not know how many are in that school," I grant you there were 74 when they turned the information into the State. But I was there the other day and they told me they have one more transferred in there and they have 75. Now maybe they don't know in that school how many they have got. Maybe I am standing up here lying to you; this is not my aim. And I hope you will vote against this reconsideration.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to prolong this but I do hope that you will have compassion on small towns, eleven of which I represent. I hope you do not reconsider.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I am also on the Education Committee and I also signed this unanimous committee report and I feel obligated to speak on it, just make a few comments. And also, it is my seatmate's bill

and I think that he would appreciate me backing it.

I think the issue is being clouded this morning, and it was yesterday and I think it probably was last Friday. First of all, Mr. Brawn has talked about the average number of students in the classroom in Rome. Whether this bill passes or whether it fails, the average number of students in the classrooms of Rome will remain the same. We are not talking about putting Rome in a district. All we are talking about is assigning supervisory people to look over Rome.

Just school districts or school unions or school units that have less than 35 teachers are the ones in question, and we are not forcing them into a district with anyone else. So that issue of what the average enrollment of a classroom is really isn't the point at all.

Secondly, there are actually three things that I would like to speak about concerning this bill. First of all, I want you to know that the entire Education Committee is just as concerned as every other member of this House is concerning money and financing education. We are also concerned when we see these small towns that have hired superintendents which the State is paying upwards in some places, probably 70% subsidy to these towns. That means we are paying about 70% subsidy to these superintendents. To me, it seems though that we could get more for our educational dollar if we don't get top heavy in administration. So when they talked Friday about costing a lot of money, my feeling is that this is a money saver.

The second point of local control versus state control, these school units are going to remain school units. We are not making districts out of anyone. They are still going to be an entity, they are still going to be controlled by the local people; all we are talking about is supervision.

And I think the third point, and probably the most important point is equal educational opportunities.

This is the point that we should be concerned with as legislators. Are all the school children in this state getting an equal educational opportunity with the present school age and program? I do not think this is true when we have part time school agents, ones that change maybe every six months, maybe a year, some might go two years, but it is part time and it is people that have retired and have been appointed to a school district.

I think that these points are the points of the bill, not whether Rome has nine, ten or eleven as their average student enrollment.

So I hope that you look at the facts before you vote today and vote to reconsider this bill.

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

Mr. BITHER: Mr. Speaker and Members of the House: I am not going to bore you with a long talk today because I spoke yesterday. I think I have got to agree with the gentleman from Oakland that Mr. Bagley is Superintendent of Schools down there this week — Mr. Shibles. I am sorry, Mr. Shibles is the superintendent this week; last week or the week before, however, it was Mr. Bagley. Who knows, next week or the week after it will probably be old man Bither.

That is just the trouble with this whole thing. There is no continuity, and that is exactly what we want to accomplish in this bill. Now I am not going to say any more because yesterday I spoke. I am wholeheartedly behind what Mr. Lynch has said. Yesterday I spoke at quite some length. I didn't get one phone call, not one of my friends in the Senate came up and patted me on the back and said "You sold me on this," so I don't think I sold anyone at all. I thought after 45 years, Mr. Speaker, in education I knew something about education, but apparently I don't. I have said my say, thank you very much. I hope you will go along with what Mr. Lynch has said.

Most of my advice, incidentally, that I do get, comes from the good

gentleman who is about to speak, Mr. Finemore from Bridgewater.

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

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that last week, in your wisdom, you passed L.D. 1906, an emergency measure which amended the laws relating to community school districts. It was passed by this body by 106 to nothing and by the other I believe by 23 to nothing and the Governor signed it yesterday. The intent of this legislation was to give the towns that are having problems, such as Rome, Mt. Vernon, Readfield, Wayne and others an opportunity other than the SAD route to straighten out their own problems, and from what I know that has been going on in these towns in the last two months, they are considering this approach.

I would urge you to give them a chance to consider this approach and oppose reconsideration of this measure.

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

Mr. FINEMORE: Very briefly, Mr. Speaker, I might say that the towns in the Four Corner District would be under this law and I do not believe that they want their methods changed. They have a superintendent that covers the whole four towns.

And I would also like to mention to the young gentleman from Bangor, Mr. Murray, the superintendents are not paid on a subsidy basis, they are paid a flat \$7,300 from the State. So I would like to have that cleared up, please.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you have all looked at this legislative document number 1970. On page two in Section 6, entitled "Enlarging supervision," with all the discussion that is here this morning, I do not follow my thinking along those lines; I go for the printed word on this page. "Whenever a unit has fewer than 35

teachers, the commissioner may add the unit to an existing supervisory unit," and here is the catch, "notwithstanding any other provision of this chapter."

It is my understanding, as what the gentleman has referred to, that we have already enacted into law a concept that will continue the home rule of the district involved. I am opposed to the reconsideration.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: For reasons of which I am not aware, there seems to be a very determined effort to cloud the issue in many areas. There is subsidy for superintendents, there is an additional \$350 for towns that are in financial straits, and this State will subsidize up to \$350 more for mileage, postage, and that sort of thing.

I hope that you have listened to these debates and have sifted out the wheat from the chaff.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House reconsider its action of yesterday whereby it adhered on Bill "An Act Permitting the Commissioner of Education to Assign Towns to Supervisory Units when Fewer than 35 Teachers are Employed," House Paper 1527, L. D. 1970. If you are in favor of reconsideration you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 78 having voted in the negative, the motion did not prevail.

House Reports of Committee Leave to Withdraw

Mr. Simpson from the Committee on Labor on Bill "An Act relating to Fees of Employment Agencies" (H. P. 1482) (L. D. 1925) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

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

Mr. Good from the Committee on Labor on Bill "An Act to Promote Vocational Education" (H. P. 1483) (L. D. 1926) reported same in a new draft (H. P. 1570) (L. D. 2026) under same title and that it "Ought to pass"

Report was read.

(On motion of Mr. Good of Westfield, tabled pending acceptance of the Report and tomorrow assigned.)

**Ought to Pass
Printed Bills**

Mr. Carey from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Appropriating Funds to Survey the Boundaries of Passamaquoddy Tribal Lands" (H. P. 1452) (L. D. 1895)

Mr. Birt from same Committee reported same on Resolve in Favor of Town of Limestone for Apportionment of Telephone Tax (H. P. 1454) (L. D. 1897)

Mr. Carter from same Committee reported same on Resolve Providing for Purchase of Copies of Cyr Plantation Centennial (H. P. 1456) (L. D. 1899)

Mr. Shaw from same Committee reported same on Resolve Discharging Plantation of Baring from Indebtedness to the State for Use of School Bus in 1961-62 Prior to Incorporation as a Plantation (H. P. 1457) (L. D. 1900)

Reports were read and accepted, the Bill read twice, Resolves read once, and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act Appropriating Funds to Carry out Duties of the Director of Legislative Research" (S. P. 689) (L. D. 1870)

Bill "An Act Providing Funds to Carry out Duties of the Criminal Division of the Department of the Attorney General" (S. P. 690) (L. D. 1871)

Bill "An Act relating to Use of Drugs on Animals at Agricultural Fairs" (H. P. 1569) (L. D. 2025)

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

**Passed to Be Enacted
Emergency Measure**

An Act relating to Transit Districts (S. P. 704) (L. D. 1885)

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 one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Authorizing Use of the Name Maine Institute of Continuing Radiologic Education (H. P. 1485) (L. D. 1928)

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

Passed to Be Enacted

An Act relating to the Change of Name of Junior Achievement of Greater Portland, Inc. and to the Change of Name of Maine Council of the Blind to the National Federation of the Blind of Maine (S. P. 699) (L. D. 1880)

An Act relating to Penalty for Dogs Killing or Wounding Wild Animals (H. P. 1470) (L. D. 1913)

An Act relating to Costs of Inspections by the Passenger Tramway Safety Board (H. P. 1500) (L. D. 1942)

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.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Actions to Quiet Title to the Fee Interest in Discontinued Roads and Ways (S. P. 748) (L. D. 2021)

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. 108 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Property of Cobbossee- Annabessacook Authority (H. P. 1534) (L. D. 1977)

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. 110 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Engrossed

An Act relating to the Assumption of Responsibility for Juvenile Probationers in Cumberland County by State Division of Probation and Parole (H. P. 1479) (L. D. 1922)

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.

By unanimous consent, the foregoing matters were ordered sent forthwith to the Senate.

Orders of the Day

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

Bill "An Act Authorizing the Supreme Judicial Court to Provide for Juries of Fewer than 12" (H. P. 1478) (L. D. 1921) — (Passage to be engrossed reconsidered.) — Committee Amendment "A" (H-522) adopted.

Tabled — February 8, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

On motion of Mr. Hewes of Cape Elizabeth, retabled pending passage to be engrossed and tomorrow assigned.

Mr. Bither of Houlton was granted unanimous consent to address the House.

Mr. BITHER: Mr. Speaker and Members of the House: I hope you people will listen to me this morning because this is a happy message, this is truly the happy thought for the day. You should be interested to know that Monday and Tuesday of this week a CBS television crew has been in Houlton, Maine, making a documentary of an event that is happening with the Association of Aroostook Indians. And the reason why they are doing this is the very reason why I am speaking about it, because we are so apt to think of our young people today as going to the dogs and we hear nothing but sex and marijuana and how they dress and how they act.

Here is an example, here is a case where they are doing a good job on their own. This is wholly a volunteer program. They are carrying out today — I forgot to tell you, I must tell you that these are students at Ricker College; don't forget that, Ricker College. And they are students that are carrying on a tutorial program with the Association of Aroostook Indians, and they have somewhere around thirty students that they are tutoring every week; no pay, voluntary, and CBS caught onto this or found out about it and they came up and made a documentary of it.

I also would like to mention as part of this program and associated with it is a program involving something like twenty people, a Big Brother-Big Sister program carried on by the Newman Club at Ricker College in Houlton, Maine; and they also were a part of this program with the Association of Aroostook Indians.

I think this is a very fine example of what some of our young people are doing today. They are not all going to the dogs. I think some of the Aroostook boys would also be interested, and I know nothing about this but I am going to tell you about it anyway. CBS has also gone to the Allagash — John is shaking his head, he knew about it. And they are making a documentary up there

of the Allagash basketball team, because I think there are something like twelve boys in the school and they are all on the basketball team; five of them come from one family, or something like that. It is a good story anyway.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I just couldn't let it go by without really telling you the rest of the story about the CBS crew. They are indeed in Allagash; they were there last night and they are there again today as Allagash plays Gould Academy. And this is the first time in the history of the community, which by the way happens to be SAD 10, about the possibility of their going to the tournament.

The gentleman from Houlton wasn't quite accurate about the number of boys, but he is close. There are twelve boys in the school and eight of them are on the basketball team. They are not all from the same family, but five of

them do have the same last name. So I do think he is right in saying that five of them do represent one family within the community. And I can assure you that the amount of controversy that is going on within the area now is whether or not Allagash is going to make it to the tournament. It seems interesting really that a community of that size in that area of northern Maine, where most of you probably have never been — you ought to go by the way, really it is interesting to see the tremendous amount of local pride that has developed around their team.

I am sure what he didn't tell you, probably should have or wanted to, is that the manager of the team — I should say the manager, the coach of the team, is a Ricker graduate; and I am sure that he forgot that one because if he had thought of it he would have told us.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.