

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, February 17, 1972

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

Prayer by the Rev. Mr. Shane Estes of Winthrop.

The journal of yesterday was read and approved.

Orders

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

ORDERED, the Senate concurring, that the Joint Standing Committees be directed to complete their work and report out all bills, resolves and resolutions no later than 5 p.m. Tuesday, February 22, 1972 with the exception of the State Government reorganization bills and the bill entitled "An Act to Correct Errors and Inconsistencies in the Public Laws" (H. P. 1576)

The Joint Order received passage and by unanimous consent was ordered sent forthwith to the Senate.

House Reports of Committees Ought to Pass in New Draft New Drafts Printed

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Subsidy for Maine Students in Maine Private Colleges" (H. P. 1536) (L. D. 1996) reported same in a new draft (H. P. 1575) (L. D. 2032) under title of "An Act Establishing a Tuition Equalization Fund for Maine Students Entering Maine Private Colleges" and that it "Ought to pass"

Mr. Jalbert from same Committee on Bill "An Act Reallocating Funds for Auburn-Lewiston Airport Provided by 1967 Bond Issue" (H. P. 1539) (L. D. 1997) reported same in a new draft (H. P. 1574) (L. D. 2031) under same title and that it "Ought to pass"

Reports were read and accepted, the New Drafts read twice and tomorrow assigned.

Ought to Pass Printed Bill

Mr. Donaghy from the Committee on State Government reported

"Ought to pass" on Bill "An Act Implementing the Reorganization of the Department of Transportation" (H. P. 1541) (L. D. 2013)

Report was read and accepted, the Bill read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act to Revise and Clarify Laws Relating to Group Life Insurance Under Maine State Retirement System" (H. P. 1518) (L. D. 1960)

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

Third Reader Tabled Later in the Day

Bill "An Act to Authorize Bond Issue in the Amount of \$8,360,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (H. P. 1545) (L. D. 2001)

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

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

Third Reader Amended

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans to Resident Maine Veterans of the Armed Forces of the United States of America or the Peace Corps (S. P. 755) (L. D. 2027)

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

Mr. Lewin of Augusta offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-546) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen: L. D. 2027 is a new draft of L. D. 1990, a Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans to Resident Maine Veterans of the Armed Forces of the United States of America.

The purpose of L. D. 1990 originally was to recognize, in one more tangible way, the special service given to our country by residents of Maine who have completed their duty in the Armed Forces. With thousands of our new veterans unemployed and with the unemployment rate higher for these young men than other citizens, it is especially fitting at this time to suggest aiding them to become resourceful productive citizens once again by providing the State's credit to assist them in establishing their own small businesses.

The new draft, L. D. 2027, proposes a major change in the traditional recognition of service in the Armed Forces by adding former members of the Peace Corps to the bill. Service in the Peace Corps, commendable as it may be, is in no way comparable to service rendered in the Armed Forces. We must not forget that we have had a national draft law in effect in this nation since 1940. Although many veterans of the Armed Forces willingly gave of their time and service, the element of servitude was always present. We asked these young men to do what no other segment of our population was asked to do, and that includes those who voluntarily served in the Peace Corps.

If this Legislature wants to give special recognition to those who served in the Peace Corps, it is our prerogative to enact other legislation for such a purpose, but I am opposed to adding former members of the Peace Corps to this bill as it would be equating their service with service in the Armed Forces.

We are all familiar with the service and sacrifices rendered by our own sons and our neighbors' sons in the Armed Forces and it is a fact that millions of veterans will bear scars of body and mind for the remainder of their lives, and that all veterans gave years of their lives in the service of our country, years that in no way can ever be replaced.

The original bill was one attempt to recognize these facts and these facts alone. I feel that we do not

need the addition of any other group at this time.

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

Mr. HANCOCK: Mr. Speaker and Members of the House: I agree with much that the gentleman from Augusta, Mr. Lewin has said, and with much that he has said I do not agree. As a veteran as I believe Mr. Lewin is, I am quite aware where many many of our people that have served in the armed services have had very hazardous duties. But it is also true that many people that have served in the armed services have had very easy jobs, not hazardous at all; and I think not even as hazardous as many who have served in the Peace Corps.

I think that keeping the Peace Corps in the bill itself will be an effective thing, it will be a gesture of appreciation, and I now move that this amendment of Mr. Lewin's be indefinitely postponed.

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

Mr. BARWN: Mr. Speaker and Ladies and Gentlemen of the House: I am a veteran. I have just heard the gentleman speak that many of these veterans had soft jobs. Maybe they did. I lost my health in the war. I went where I was put. You don't say where you are going. I did not join any Peace Corps. I was not a conscientious objector to eliminate the hazards which were to bestow me in the future.

I will go along with Mr. Lewin one hundred per cent and I hope that you will vote against the motion here of indefinite postponement.

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

Mr. WHITSON: Mr. Speaker and Ladies and Gentlemen of the House: The aspersion has been cast on the members of the Peace Corps, I think perhaps accidentally because I don't believe that the gentleman making the statement realized what the Peace Corps is all about. I have friends in Portland who have spent years in the Peace Corps.

One in particular has spent two years in Pakistan, in the out-reaches of Pakistan, and I can compare this with service in the armed services. This particular friend lost fifty pounds from anemic dysentery. He had sundry other parasites in his body. He is dedicated in the service and in the ideals of the Peace Corps.

It is my conviction that his service is as essential to the world posture and the maintenance of the ideals of this country as service in the Armed Forces. Service can be found in different areas, not only in the Armed Forces. I ask for a roll call when the vote is taken.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe anybody who has spoken here has intended to cast any aspersions upon the Peace Corps. I certainly think very highly of the people who have served in the Peace Corps. However, Peace Corps service is voluntary, and always or frequently service in the armed services is not voluntary. It is a different type of service as Representative Lewin has expressed.

I would like to point out that at this time there are more than 4,000 Maine veterans of the Vietnam war who are unemployed, people who left the state to go into the armed services, served their country at a time when some of their counterparts were staying in the state establishing themselves in jobs and in employment, starting small businesses. At this time, however, we are faced with a crisis, or many of the returning veterans are faced with a crisis, of how to find employment.

The intent of this proposal that Representative Lewin has spoken so well to is to put the serviceman back in the same position that he would have been in if he had not been serving those years in the service of his country. The proposal to include another organization, the Peace Corps or any other one, may be a good idea but it is bad precedent to lump with the veterans' benefits.

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

Mr. BUSTIN: Mr. Speaker, I would pose a question through the Chair to the gentleman from Augusta, Mr. Lewin. Inserting in place of the words "or the Peace Corps" those words "in time of war or national emergency," would this not exclude the benefits going to the veterans of the Vietnam conflict?

The SPEAKER: The gentleman from Augusta, Mr. Bustin poses a question to the gentleman from Augusta, Mr. Lewin, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. LEWIN: Mr. Speaker, in answer to the gentleman from Augusta, Mr. Bustin, I checked with the Attorney General's office on the question of Vietnam and in the veterans' legislation recorded reference is made to the Vietnam war, and this is the definition. This includes the period from August 4, 1964 to whenever Congress declares the end of hostilities. Legislation does consider Vietnam war.

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

Mr. JALBERT: Mr. Speaker, I would pose a query. It is my understanding that the veterans organizations have formed somewhat of an organization within themselves, the World War I and World War II, the American Legion, the Amvets, the VFW; and I would like to ask anybody if that duly formed organization that is representative of all the service areas have given their opinion of this?

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

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

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen: I may be able to answer Mr. Jalbert from Lewiston's question.

A lot of you have seen Mr. Leavitt, who is working for all of the veteran organizations for the State of Maine as a representative of those groups — the VFW, the American Legion, the Amvets, and the veterans of World War I. So that is a group which had been formed quite some time ago to be all inclusive; that is, of veteran representation.

Now to further take your time for just a moment, in both defense of the bill which I feel would be jeopardized if we try to include other groups in it, and also if there has been any aspersion upon members of the Peace Corps I am sure it was unintended. I have very close relatives and friends who have served in the Peace Corps, and it is a very fine group and they have accomplished a lot. But if we go to including that group of people who have volunteered for some type of foreign service, why then we will be taking in perhaps many others, those who have volunteered to work on other things on foreign soil, diplomatic service, etcetera, and possibly government girls who work overseas.

So I think that perhaps we are establishing a wrong precedent in grouping anything else with a veterans' bill. I have normally opposed the State's credit being broadened any more than it is, but this seemed to be almost an exception, a very worthy cause at this time. I will support the bill as long as we don't start hanging too many amendments on it.

Thereupon, Mr. Jalbert of Lewiston moved that the Resolution be tabled until tomorrow.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that this Resolution be tabled until tomorrow pending the motion of the gentleman from Casco, Mr. Hancock that House Amendment "B" be indefinitely postponed.

Thereupon, Mr. Lewin of Augusta requested a vote.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirma-

tive and 86 having voted in the negative, the motion to table did not prevail.

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

Mr. HENLEY: Mr. Speaker and Members of the House: Just briefly to perhaps correct a misunderstanding. I said that I did not want amendments hung on it. This amendment that would amend out the Peace Corps clause I think should be accepted and I hope that you will vote against indefinite postponement of this amendment.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen: I have also served in the Army and traveled around the world with it, and once I signed up with the Army I went where I was told; you couldn't quit and go home. If you are in the Peace Corps and you go to a country that you don't like, you can leave and go home. That is the difference.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think Mr. Henley touched on one spot. My only reason for having wanted to vote to have this thing tabled, I would like to do the right thing. I don't know anything about this new amendment. It is not a question of taking issue with Mr. Lewin, it is not a question of taking sides with the gentleman from Casco, Mr. Hancock.

You know, we are hit with these amendments and sometimes we don't have a chance to look at them. This is a good bill. I understood that the veterans organizations favored the bill as it was. I don't know if they favor this amendment. I would like to find out from them. I also know that if these people are included others equally as warranted should be included. I want to know what I am voting about. I don't know what I am voting about here and there is nobody in this room that can tell me, because I don't want anybody in this room to tell me. I want to find out from the man

that represents the organizations of Maine. When he tells me I will listen. Until then I shall vote against this thing.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: If Mr. Jalbert wants to be informed from a veteran, I will inform him this morning. The Peace Corps has nothing to do with veterans' benefits and for this reason I shall vote against it, and that is all I am going to say.

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

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen: In answer to the gentleman from Lewiston, Mr. Jalbert, the original bill L. D. 1990, the resolution was heartily approved by the combined group of veterans organizations in the state. However, when 2027 came in, revised 1990 as it were, they were against that; and that is the reason for this amendment, in answer to Mr. Jalbert.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I just briefly would like to make a comment on the remarks made by the gentleman from Oakland, Mr. Brawn. I too was not a conscientious objector. I too went where I was told to go. Along the line I picked up a couple of combat stars and I am not making any great point of that, because I am sure that many people in this House picked up a lot more than that and saw a lot more hazardous duty than I did. But in going where I was told I did see a lot of people in the military service, all branches, who were not occupied in any field of hazardous service; in fact, I would say that they in many cases didn't have as hazardous service as members of the Maine State Legislature upon occasion.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't

wish to appear as an opponent of any veterans' measure, nor do I wish to appear in opposition to any other worthy group of Maine citizens having the benefits of State guaranteed loans. I think perhaps I will make what remarks I have to make at this time. It perhaps would be better if I confined it to the bill itself after we vote on the amendment. However, I think it applies to one as much as the other.

It seems to me after the experiences we have had with State guaranteed loans, that many of us look upon this field with somewhat fear and trepidation. I did look into this matter a little bit with the Maine Industrial Building Authority. Of course my first thought was when I saw this bill, what are we talking about anyway? Certainly every Maine veteran under our present laws is entitled to a State guaranteed loan under the rules and regulations of the Maine Industrial Building Authority. So what are we talking about?

I look further at the bill and I see where the loaning agency provides 20 per cent of the risk. Under these terms I question whether we are doing much more, we will say, than making a gesture to this group or any other group which we may eventually include under this State guaranteed loan. Because in my own mind I question and if anybody wishes to enlarge on this, supposing one of these loans gets in trouble, the question I would pretty much put to the group — does the loaning agency forfeit their whole 20 per cent, which might bail out any loan which gets in trouble. This is perhaps merely a question to anybody.

Obviously, in talking with Mr. O'Connor down in the Maine Industrial Building Authority, obviously this type of a loan is not going to be handled under the Maine Industrial Building Authority because it falls into a different category from what their loans, what they are authorized to make. Obviously this would be a loan, we will say, that would fall into perhaps the — maybe I could use an illustration, we will say, the farm machinery area, where

the Maine Industrial Building Authority certainly got their feet pretty wet. They found it was a very difficult area to handle.

We are talking about, in this loan, setting people up in business, maybe buying them a tractor that costs \$10,000, and such things as that; of course I understand it does go up to \$2 million. So it does take in a wide area. Without appearing in opposition to this group or any other group who may be approved under it, I do make these remarks.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen: In response to the gentleman from Casco, a soldier, he cannot quit and go home; he must do what he is assigned to do. But members of the Peace Corps can leave, they can stop off in Canada, they can stay there and evade any further duties. Or they can go to Cuba and get sugar.

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

Mr. McTEAGUE: Mr. Speaker, I would basically ask for some information from some members of the committee to provide perhaps guidance on the votes. I was just trying to read the bill and the amendment this morning. I think I can understand the different positions between those who favor Mr. Lewin's amendment apparently and those who don't. But as a veteran without any battle stars of any kind and yet still being eligible for and a member of the American Legion, I am a veteran who benefits from the GI bill on a home loan and some other things, my question is this.

As I understand it, they are again making GI loans for homes and also for businesses and other purposes. Perhaps some member of the committee that heard this bill could tell us what need there is for this, when we have already federal veterans programs that do make these loans. I would question not out of any opposition to veterans organizations or to recognizing their service, I think we all favor that. But if there is

a federal program with much more in the way of funds than the State of Maine can put into it, I wonder why we should compete with the Federal Government on this.

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

Mr. CURTIS: Mr. Speaker, to answer the question that has been posed, in testimony at the hearing it became very clear that loans to obtain houses, mortgages or guaranteed loans, are entirely separate. Those loans are available at 7 per cent. There are no business loans available through the GI Bill of Rights, which we are told and understand.

The question has also been raised as to whether or not Small Business Administration loans might not be available to these people, and again the answer is no. Our Small Business Administration does not provide loans as small as the loans that are being discussed in this proposal. We are talking about the largest loan would be \$15,000.

The testimony at the hearing also indicated that there are people who have attempted to obtain commercial loans and the best arrangements that they can get from a bank would be at 10 per cent or perhaps higher, interest rate on the loans for the business that they are interested in. So there definitely appears to be a need.

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

Mr. JALBERT: Mr. Speaker, I would like to ask another question. I have some people in my own family who were involved in the Vista. Where are they in this thing?

I might comment also that the words MIBA, I can assure you that having looked over the loans that have been made, I am very happy that the Governmental Operations Committee the very next week that this legislature adjourns will start looking into the MIBA loans from A to Z. My confidence in the MIBA doesn't rate an A plus on my report card.

But in the meantime I will restrict myself to this one question,

what about Vista? And when that is answered I might bring up some more organizations that come directly under the Peace Corps in this program. That is why I wanted this thing to be tabled. Since I have asked for this to be tabled there have been seven different questions asked; somewhere along the line somebody is in the same position as I am. They don't know anything about this.

This no doubt has worthiness; it probably shouldn't be killed. But I am afraid the route as being taken now, unless it is tucked away for a day and we have a chance to look it over, why it might be in danger.

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 Casco, Mr. Hancock, that House Amendment "B" to Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans to Resident Maine Veterans of the Armed Forces of the United States of America, Senate Paper 755, L. D. 2927, 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 — Bedard, Bustin, Clemente, Dow, Doyle, Goodwin, Hancock, Hardy, Herrick, Jalbert, Label, McCloskey, McTeague, Murray, O'Brien, Orestis, Pontbriand, Slane, Smith, E. H.; Vincent, Whitson, Williams.

NAY — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bourgoin, Brown, Brown, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark,

Collins, Conley, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Finemore, Fraser, Gagnon, Genest, Gill, Good, Hall, Haskell, Hawken, Hayes, Henley, Hewes, Hodgdon, Immonen, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Martin, McCormick, McKinnon, McNally, Millett, Mills, Morrell, Mosher, Murchison, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Theriault, Trask, Tyndale, Webber, Wheeler, White, Whitzell, Wight, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bragdon, Cooney, Cote, Crosby, Donaghy, Drigotas, Evans, Gauthier, Kelley, K. F.; Lessard, Lucas, Marstaller, Shetra, Smith, D. M.; Tanguay.

Yes, 22; No, 113; Absent 15.

The SPEAKER: Twenty-two having voted in the affirmative, one hundred thirteen in the negative, with fifteen being absent, the motion does not prevail.

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

Amended Bills

Bill "An Act relating to Breath-testing Equipment Used Under Implied Consent Law" (H. P. 1530) (L. D. 1973)

Resolve to Reimburse Certain Persons for Displacement Costs Because of Property Taken by State (S. P. 691) (L. D. 1872)

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

Passed to Be Enacted Emergency Measure

An Act Authorizing Oakfield to Withdraw from the Four Corners

Elementary Community School District (H. P. 1568) (L. D. 2033)

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. 128 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 relating to Use of Drugs on Animals at Agricultural Fairs (H. P. 1569) (L. D. 2025)

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. 131 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 Municipal Finance (S. P. 700) (L. D. 1881)

An Act Implementing the Reorganization of the Department of Commerce and Industry (S. P. 726) (L. D. 1995)

Finally Passed

Resolve to Reimburse School Administrative District 37 for Funds Paid for School Construction in 1965 and 1966 (S. P. 692) (L. D. 1873)

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

Orders of the Day

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

An Act Authorizing the Supreme Judicial Court to Provide for Juries of 8 Jurors in Civil Cases (H. P. 1478) (L. D. 1921)

Tabled — February 16, by Mr. Carrier of Westbrook.

Pending—Passage to be enacted.

The SPEAKER: The Chair rec-

ognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I move for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this Bill be indefinitely postponed.

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

Mr. HEWES: Mr. Speaker, Members of the House: I respectfully request a division on the motion. I feel that this is a good bill. The gist of it is that there will be six jurors deciding small criminal matters, misdemeanors, and eight jurors deciding civil matters, that is actions between individuals; whereas, under the present law, twelve jurors decide both of these classes of cases.

Of course, twelve jurors will still continue to decide serious felony matters, serious criminal matters which are felonies. And I ask you, who can say that six or eight jurors can't decide an issue just as well as twelve jurors?

The reason for the bill or the prime reason is the economy involved. As the gentleman from Lewiston, Mr. Jalbert said some days ago in debate on this, there are several extra supernumeraries called for each jury panel and if we only have to have six or eight jurors to sit on a case, rather than twelve, then there would not be as many supernumeraries. I have made an estimate that perhaps ten jurors per day will be saved or I shouldn't say saved, but there will be ten less jurors each day, and if you are paying jurors \$20 a day you are saving \$200 a day on this because of this particular bill.

And if jurors sit for 15 days, you are saving \$3,000 per term and I would estimate that there are well over 50 terms of courts in the various courts here in Maine, so that you are talking of 50 times \$3,000 or \$150,000 savings each year. I would like to point out that other jurisdictions do have less than twelve jurors on cases. The Federal Courts have just now permitted their local District

Courts to have six-man juries and in fact in Maine now, we do have six-man jury trials in civil matters.

It seems to me that this is a good bill and I hope you will defeat the pending motion to indefinitely postpone.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: The other day when this was being debated, I went out and made a phone call, which was very interesting.

Some of you can remember back to the days of prohibition when a man by the name of Al Capone was the underworld or overworld leader of the mobs in the United States. At that time he couldn't be convicted in an Illinois Court. They had their small jury out in that state also, and he was known to have maintained the salaries of those who were to serve on the juries, and that was the reason he couldn't be convicted. The only time he was ever put into jeopardy was by the United States government on tax evasion charges.

I am for the indefinite postponement of this bill.

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

Mr. McNALLY: I would like to pose a question to Mr. Hewes through the Chair. Will misdemeanors be handled by twelve men?

The SPEAKER: The gentleman from Ellsworth, Mr. McNally poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. HEWES: In response to the gentleman's question, misdemeanors will be handled by six-man juries. Felonies will be handled by twelve man juries.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I had a few words to say on this bill the other day, so

when I went home over the weekend I went in to see the Clerk of Courts in Penobscot County, and I was talking with the young lady, and she was telling me that it is an extremely expensive program as Representative Hewes has stated; but let me say this, that 95% of all the cases that go in front of these particular courts, these are indigent people. So they have to supply them with a lawyer, and of course these fellows, and they are very capable boys, they don't work for nothing. And it kind of behooves me a little bit here this morning to hear how expensive it is for the juries when we never hear about our legal brothers. They certainly aren't donating their time and I don't expect them to. And I don't like the idea of us coming in here and nitpicking at the court system.

As I said the other day, if we start in now they are going to be back here next year, there are always so many liberals around, and they are going to start taking shots at the higher courts and so on and so forth. So I think for the sake of protecting the court systems in this state, that we support brother Carrier's motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I will only make one comment, and it will be directed to the gentleman from Freeport, Mr. Mills. He made mention of Al Capone, but there is a vast difference between Al Capone and the man who gave me this bill, the Honorable Chief Armand A. Dufresne, Chief Justice of the Maine Judicial Court.

The SPEAKER: The Chair will caution members in using names to influence the vote of this Legislature. The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: I would invite the gentleman, when he has time, to join me in making a long distance phone call to the United States Government.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The members have the Legislative Register which has a copy of the Maine Constitution and if they are able to refer to it they might be interested to know that in Article VII in the Maine Constitution it provides for jury trials in criminal cases and it says that the usual number twelve shall be required. This, I understand, is the reason why in misdemeanor cases the Judiciary Committee reported out a bill that said we would reduce it from twelve to six if it were constitutionally permissible. I frankly doubt as to whether it is.

But if the members would also refer to Section 20 of Article I of the Maine Constitution, they would find out that the founding fathers of our State, in writing this Constitution, did not use the same language regarding the civil jury. Eight or six or whatever lesser number would be appropriate on a civil jury under our Constitution. These people had some love of Constitution, too, and I think we all do. My friend from Bangor, Mr. Kelleher, and my friend from Westbrook, Mr. Carrier, do display the deep, innate love for the jury, which I think is the sense of most of our people in this country. It is a great thing, we do want to keep it.

I think the reason we suggest the amendment, reducing it to eight in civil cases, is this. We recognize that for many reasons, the cost of running the courts is going up. We fear that if we do not take some step, and we think the step from twelve to eight is a reasonable one and a moderate one. As Brother Hewes has said, we have already gone to six in the Federal Courts. And, by the way, for Mr. Mills, it was in the Federal Courts that Al Capone was finally convicted.

We are not changing the juries regarding people like Al Capone from 12 to any other number. Any felon will be tried before a jury of twelve. What we are saying is in civil cases, which involve disputes between private parties, where the public through their taxes, you and I, through our real estate taxes, pay for the cost of jurors. And since there seems to be general

agreement among the judiciary, among plaintiffs' lawyers and defense lawyers, that eight can work as well as twelve and that we can have a savings of about a third, and the cost of a jury is now \$20 per day — and we know they don't sit on cases every day they are there because there are inherent scheduling difficulties, that this is a reasonable step. And it is a step that was imagined by the people that drew the Bill of Rights to our Constitution, when they provided that we could do this.

Again the reference is Article I, Section 20 of the Maine Constitution which does not require a jury of twelve. I hope, Mr. Speaker, that the House will go along with the sponsor of this bill, Mr. Jalbert, and the other people that advocated it and the strong majority report from the committee, and pass this bill.

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

Mr. EMERY: Mr. Speaker and Gentlemen of the House: I would like to remind my friend, and I respect him greatly, that it is a lot easier to sway a lesser number of jurors than it is twelve.

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

Mr. DYAR: Mr. Speaker, Members of the House: My concern on this piece of legislation was light up until this week when a bill came before County Government Committee relative to a change in the Superior Court system.

It would seem to me that there has been a study made of the Judicial System here in the state and possibly we should have a judicial reorganization; we are spending much time on governmental reorganization. The testimony given before this committee on Tuesday brought out many facts. The testimony showed that 600 jurors had been picked in one murder case, court-appointed lawyers have received up to \$8,000 for a murder case where the total cost to the State was \$35,000.

It seems to me before we start picking away at our judicial system, piecemeal, this Legislature should come up with legislation to

update our court system, making all the reform movements as close to one another as possible rather than, as I say, piecemeal picking the court system apart.

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

Mr. LUND: Mr. Speaker and Members of the House: I was unfortunately out of my seat for a portion of the debate on this bill, so I thought I would not speak. But the remarks of my good friend, the last speaker, concern me some because they might leave some of you with the impression that this bill is an effort at picking away at the court system.

That is not the case. This bill represents an effort to implement improvement of our Judicial System in the way that the Judicial System is seeking to be improved. If you will look at the bill, you will see that it provides authorization for the court to make these changes by rule, and I don't have the report in detail before me but I think it is quite probable that the recommendation for a judicial reform, which has been referred to, included reformation of the jury system.

Now I share the respect for the jury system that has been spoken of earlier, but I think the jury system is like a fine surgical instrument. Just because you have a fine scalpel doesn't mean that you would want to use it for cutting linoleum with. Now we have a fine jury system and it is important that we preserve it and we preserve it for use, especially in the most important cases, namely, the cases involving the felonies.

We do have a serious problem in this state of interrupting people's schedules to ask them to serve in the jury system. That is one of the motivating factors behind this bill. It is true that with the changes in publicity, it is more difficult to pick a jury that has not heard news about a case. That is the reason we have to summons more jurors now than we used to years ago.

But I would suggest to you that this measure is not an attempt to pick away at the jury system or our court system but a way of providing gradual improvement, which is consistent with what the Court

feels should be done. And I hope that you will vote against the motion for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It isn't my intention either to pick away at the jury system, but it is my intention where it is at least harmful to economize in an area where it is so easy to economize. Now what is so magical about the number twelve, in difference with the number eight? The bill originally had six on it, it was amended to eight which would be in my opinion a better bill, as was pointed out by the sponsors. I went along with the change from six to eight because I was told by the powers that be that this was all right.

This bill has been endorsed by the Judicial Council. If you would just step in every time that the jury is called, you would step in and see an avalanche of 60 or 70 people come in, then be sent home and come back in two or three days to be sent home, and we would pay the tab. Besides being a harmless bill, as far as it is drawn up with the amendment is concerned, this measure here could save the counties \$200,000 over the course of a year.

And, I mean we hear so much criticism about the high cost of County Government, I went along and agreed to present this bill because it would be one area where, in my opinion, it wouldn't harm justice being meted out to the people of the state who are under this program and they had a civil case with eight people or twelve people, and one thing I was sure of, that it would economize and save some money. Somewhere along the line, if we are going to keep spending we have also got to cast an eye towards saving.

I certainly hope that the motion of my good friend from Westbrook, Mr. Carrier, will not prevail, and those are my reasons for it.

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

Mr. SIMPSON: Mr. Speaker, through the Chair, I would like to inquire of any one of the lawyers

in the House, or maybe Mr. Lund, is this bill in a position now to the point where people being tried on misdemeanors are possibly subject to a jury of less than twelve?

The SPEAKER: The gentleman from Standish, Mr. Simpson, poses a question through the Chair, to any member of the legal fraternity who may answer if they choose. The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: If the bill is enacted in its present form, and if the Court, by rule, implements the Statute, the answer is yes.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: With the bill in the present form that it is in, I have very serious reservation about it. I think for one reason.

I think a man is always supposedly innocent until he is proven guilty and whether he is being charged with a misdemeanor or a felony, I think that that man still has the chance to prove himself in court. I think it is kind of unfortunate that we ever allowed maybe even a 75% vote to convict a man rather than a unanimous vote of a jury. A man's reputation is at stake, many other things are at stake, even if he is proven innocent, and I find it, in my opinion anyway, very difficult to support a bill that a man being tried for a misdemeanor as well as a felony would not have the opportunity to have a full jury as we have known in the past.

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

Mr. LUND: Mr. Speaker and Members: I respect very much the sentiments of Mr. Simpson, but I would like to point out that I think he is under a misapprehension.

I think that a unanimous verdict is still required in either a misdemeanor or a felony, so that he may not be concerned about a $\frac{3}{4}$ verdict being applicable in a criminal case. We are talking only about civil cases in which less than a unanimous verdict would be required.

The SPEAKER: The Chair rec-

ognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be extremely brief on a very important and a very emotional bill because this involves the human lives; it might be yours, your children, your grandchildren or anybody else related to you, or your neighbors.

I wish to state at the outset because before it is said against me that this bill came out of committee with a unanimous "ought to pass" report. My name was on there and I will tell you and I will be very frank why it was on there. In the first place, I didn't believe in the bill. But as you noticed in this session, as a few bills came out of our committee and I was apparently the only dissenter, I agreed to sign—on my own, I was not asked, I just agreed to sign on my own, with the reservation that I was against the bill and that I intended to talk against the bill. So here I am today. Since then, that particular time I had battled with my own conscience about this bill, and I really and truly am concerned about the people who can go to court and be convicted that much easier than under our present system.

I refer to L. D. 1921 which is a bill to uproot the justice in our judicial system. But worst of all, it jeopardizes an accused of a fair trial by jury. It jeopardizes the individual rights by subjecting him to judgment of eight individuals, six of them can accuse him. I believe that this number of jurors is far from being adequate. There is a safety in number and twelve is better, because the bigger the number on the jury the better the chances of justice for an accused.

I ask you people to look at this bill very carefully. I ask this of you because we will in the future on other bills that will come up before this Legislature, I will refer you to this bill, if this bill passes, of the laxity and the permissiveness that we are heading towards in allowing our courts into getting into easier methods of

eliminating the people's rights to a fair jury.

It has been stated that a local judge recently was somewhat in favor of this bill because this would save some millions of dollars to the United States, and all this stuff. Well I say to you, how come we are so concerned of a saving all of a sudden? Let's take a very brief example, you can judge yourself, let's say that you have been paying taxes for 30 or 40 years or 50 years to support state government, that you have never been to court, you never have been a juror, but today you are called to be a juror. So why are you not entitled, or why should we resent the thought of giving you \$20 a day, probably out of the thousands of dollars you have given to support justice in this State?

The judges are not reluctant in asking for raises, I am not going to pick at the Court. Of course I am not going to pick at the Court. This is not a bill to pick at the Court, this is a bill that picks at the individual and his right to have a fair trial at any time, whether it is in Court or whether it is before a local board that we have or anything. This is all the people are asking.

I don't approve of what the Federal Judge said in this case because he and I don't see eye to eye. Apparently he is very free in handing out probations on a very important and touchy issue that was brought up before on the subject of a conscientious objector. This has nothing to do with the issue, but if they want to say something let's say something about what some of us people are very concerned about. We spend much time and we don't like this stuff at all. That is a long story and I know that some day some people are apt to say that we want to economize and all this stuff. Well, I submit to you that this is not an economy bill, this bill we have been very free in giving the judges, every single time, every session over here you come here, everybody in the judicial field wants raises and we have been very free in giving them raises.

Now picture yourself to stand

at the mercy of six individuals instead of nine, as it is right now. Now these six individuals — let me tell you something before I forget this. Now this bill is amended to make it six, they can convict you with six. The original bill was to convict you with the $\frac{3}{4}$ of six, which would make it five. There has even been some work done on this and they wanted to reduce it to four. In other words, they wanted to reduce — this is their thought, they wanted to reduce your conviction from nine people to four people.

Now this is the thought of what is going on behind this. More than — I think a lot of people accept the theory of more than penologists, that punishment is no good any more, that it is not a deterrent to crime, that we should all rehabilitate these people. Well I suggest to you that all this revolves around a bill of this type where it revolves around the Court, and I cannot accept that theory and I don't think that if you would be involved at all, if any of your family were to be involved into some very grave felony cases, that you could not accept it either.

There was mention about the indigent getting to Court. Well let me tell you that this also, very briefly, I will say this, that the indigent today, starting as of April 1, to my knowledge, this is what was related to me, that starting as of April 1 that even the indigent will not be represented in the Court any more by the so-called lawyers, Pine Tree Legal, and supported by the Maine Bar. So this again, even these people need help.

So, there is no emergency clause on this bill, why don't they bring it and let it survive the test? It was brought up before and it didn't survive the test, so I don't see no big rush about this. I don't think a year's time, give the people a chance. I think that the people are entitled, I think they are entitled to get as much justice as they can and I don't believe, myself, that I would like to be subjected to the decision of four persons, especially when lawyers

have the right to actually question and question and question the jurors and actually throw them out and put something in there that they want.

I submit to you this is not a good bill for the people that you represent, and when the vote is taken I ask for roll call.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker, I would like to pose a question to the gentleman from Westbrook, Mr. Carrier. Does the gentleman from Westbrook think that greater justice would be done if we increase the number of jurors, say to 16 or 20, or is 12 just a magic number?

The SPEAKER: The gentleman from Webster, Mr. Cooney, poses a question through the Chair to the gentleman from Westbrook, Mr. Carrier, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. CARRIER: Mr. Speaker, in response to the question, I think, actually this is not a very constructive question because I think he knows the answer. It can be a matter of opinion, as far as that goes, but that is not the answer. The answer is we have had a 12-man jury for a long time and it has proved to be as effective, probably not as perfect, but as effective as it could be. Time has held it up and a few years ago you cut the twelve jury down for unanimous decision to nine.

Now when you cut the unanimous decision, the number unanimous decision have passed this, you are actually cutting the jury, that is what you are doing. So I hope Mr. Cooney understands my answer.

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

Mr. CALL: Mr. Speaker and Members of the House: To repeat a word used by the gentleman from Lewiston, Mr. Jalbert, I feel that it is very possible there still would be a so-called avalanche of jurors selected if this bill passes.

In counties where selection is made by Jury Commissioners it has been pointed out to me that there are questionnaires sent out to prospective jurors. In many instances, I have been assured, people's names have been selected when they have indicated on the questionnaire when asked that it would be impossible or difficult for them to serve on a jury. I am afraid I have observed too much over the years in one county alone to support this bill, and I am for its indefinite postponement.

Mr. Hewes of Cape Elizabeth was granted permission to speak a third time.

Mr. HEWES: Mr. Speaker, Members of the House: We lawyers are not in favor of abolishing the jury system; the jury system is the backbone, in my opinion, of our jurisprudence, of our way of life.

In the final analysis, the jury has the right to make findings of fact, but I submit that there is nothing sacred about a 12-man jury as against an eight-man jury or a six-man jury or even a 16 or 18-man jury. Provided there are enough jurors to be a cross section of the general public and they are impartial, I don't see that it matters that we have only six or eight jurors. Because it will effect a saving financially, I feel it is an excellent bill. I hope that you will vote against the motion to indefinitely postpone and not be carried away because some of you, perhaps, are upset that the Courts are not now sentencing criminals in accordance with the way you feel they should for the crime committed.

The issue here involved is just lessening the number of jurors from 12 to 8 or 6, and I do believe the Court will implement the trial of misdemeanors so that there will be just six-man juries on misdemeanors, or perhaps eight-man juries because that is the number they are going to have in civil matters if this bill passes, and I hope that you will vote against the pending motion.

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

Mr. McNALLY: Mr. Speaker, Members of the House: I want to

apologize because I only went to the University of Maine when it was a cow college. It had the best engineering course in the country and not the best swimming pool. But I would like to have this cleared up in my mind. Is the stigma just as great for a criminal action that only has a sentence up to 11 months as it is if you are sentenced for more than 11 months?

Mr. Ross of Bath 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 by any member for five minutes. Shall the main question be put now? All in favor say yes; those opposed will say no.

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

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that An Act Authorizing the Supreme Judicial Court to Provide for Juries of 8 Jurors in Civil Cases, House Paper 1478, L. D. 1921, 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 — Albert, Bailey, Barnes, Bedard, Berry, G. W.; Berube, Brawn, Call, Carey, Carrier, Dyar, Emery, D. F.; Emery, E. M.; Fecteau, Fraser, Jutras, Kelleher, Lebel, McCormick, McNally, Mills, Rocheleau, Simpson, L. E.; Tanguay, Wight, Williams, Woodbury.

NAY — Ault, Baker, Bartlett, Bernier, Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bunker, Carter, Churchill, Clark, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Dudley, Evans, Farrington, Finemore, Gagnon, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Mosher, M u r c h i s o n, Murray, Norris, O'Brien, Orestis, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rollins, Ross, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, T. R.; Smith, E. H.; Stillings, Susi, Theriault, Trask, Tynedale, Vincent, Webber, Wheeler, White, Whitzell, Wood, M. W.; Wood, M. E.

ABSENT—B u s t i n, Clemente, Cote, Crosby, Drigotas, Faucher, Gauthier, Kelley, K. F.; Lessard, Lucas, Slane, Smith, D. M.; Whitson.

Yes, 27; No, 110; Absent, 13.

The SPEAKER: Twenty- seven having voted in the affirmative, one hundred ten in the negative with thirteen being absent, the motion does not prevail.

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

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

Mr. JALBERT: Mr. Speaker, I now move that we reconsider our action whereby this bill was passed to be enacted, and when you vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that the House reconsider its action whereby this Bill was passed to be enacted. If you are in favor you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 100 having voted in the negative, the motion to reconsider did not prevail.

By unanimous consent, the foregoing matters acted upon in concurrence or requiring Senate concurrence were ordered sent forthwith to the Senate.

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

Bill "An Act relating to Disclosure of Economic Interests by Legislators" (H. P. 1572) (L. D. 2029) — House Amendment "A" (H-543) adopted.

Tabled — February 16, by Mr. Ross of Bath.

Pending — Passage to be engrossed.

Mr. Ross of Bath offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-547) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ROSS: Mr. Speaker and Members of the House: All this amendment does is insert the phrase "from any one source" after the figure \$1,000. It was my opinion and the verbal opinion from the Attorney General's office that the original wording was very vague and ambiguous.

The intent was to file the name of specific single sources which paid individuals a thousand dollars or more. But without spelling this out specifically, an individual might have received dividends of \$50 from 20 investments, making a total of \$1,000, and he would have to list all of these minor holdings. This would mean absolutely nothing. I don't mind any disclosure law, but we should be reasonable and as specific as possible.

Thereupon, House Amendment "D" was adopted.

Mr. Collins of Caribou offered

House Amendment "C" and moved its adoption.

House Amendment "C" (H-545) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to accept this amendment. I don't think there is any reason to exclude home mortgages. If we were to require the amount of the mortgages I think it certainly would be unfair. The fact that all we require is that a person specify that he owes a particular bank or somebody some amount of money, that is enough.

We left it optional as to whether or not he listed the purpose of the loan. He could say I owe over \$1,000 to Casco Bank and Trust Company for a home mortgage, and I don't think that should embarrass anybody, but I think we should know all the creditors of the legislators in this House.

The SPEAKER: The Chair would advise the gentleman that a motion is in order.

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

Mr. COLLINS: Mr. Speaker and Members of the House: There are about 70 percent of all homeowners who have mortgages on their property, and I assume that this might be roughly true in the make-up of the legislature. The intent of the amendment was simply that this type of information did not contribute anything in the way of disclosure. We would end up, I suspect, with a list of all of the lending institutions in the State of Maine, plus the United States Government through Veterans Administration, Farm Home Administration, and I think that if the intent is to disclose economic interests I don't think that this is particularly a meaningful situation; therefore, the amendment as I have presented it.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: I would oppose the amendment and I would move its indefinite postponement.

I would just like to state one thing here, that I can own a pretty sizeable business and have a pretty sizeable mortgage, I could have a good many different types of mortgages, I could blanket that with my house to the point that I would then have a home mortgage and would not have to disclose it here. I think mortgages are a matter of record and can be found any time they want to at the Registry of Deeds at the present time. I see no need of an amendment as proposed.

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

A vote of the House was taken.

67 having voted in the affirmative and 60 having voted in the negative, the motion did prevail.

Mr. Kelleher of Bangor offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-550) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am very much interested in this bill because a few months ago some other legislators in this House took time to come down before the Ethics Committee to offer suggestions and listened to the testimony given, and then later on when this bill was presented before the State Government Committee I also went in and applauded the committee, but there was one thing in the bill that they had left out and I suggested, along with a member from the other branch, and that was to list creditors.

In looking over the bill now, I have also made a suggestion that the Executive Council, and these honorable gentleman weren't included in the bill, and seeing where we have got the Chief Executive in there, I think it is equally important that we have these people because they have to pass on decisions concerning

money appropriations and requests from department heads, as well as appointments on various commissions and boards. So I urge the House to include them in this bill this morning.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: There are many ways to kill a bill, and one of them is to amend it to a death, and we have a desk full of amendments this morning and it is like this House is taking off on a witch hunt.

Now the motion that I am about to make is not a very good, wise political move, but I feel that I have to do it. We are part-time legislators, and we have a certain right to our own personal rights. We are trying to get good legislators down here, to have good men running for office, and you can't embarrass the people who run for office with all kinds of amendments such as are happening to this bill.

Now I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman's motion is not in order. The only pending question is the adoption of House Amendment "G".

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

Mr. JALBERT: Mr. Speaker and Members of the House: A word that we should account to all our creditors was mentioned here, along the line I believe by the gentleman from Sabattus, Mr. Cooney, as far as that is concerned I would agree with him. I mean, the only creditor I have got is at 83 Elm Street, and believe you me, I have got to get up that entrance fee Friday afternoon or else the lawyers will be called in. So this thing doesn't make any difference one way or another.

But restricting myself to this amendment, I mean I think it is a fair amendment; I think if you are going to call on us and the members of the other body and the Chief Executive, I don't think these seven people should be exempted from it, no more than

I think that the mayors, the aldermen, or the mayor and councilmen or the selectmen, or the chairman of the board of selectmen, or any of the departmental heads should be excluded from this. I think that if the people are entitled to know some facts they should be entitled to know all the facts.

And I can assure you of one thing, that the Executive Council has to meet when we meet in session, they are paid every day when we are in regular session as we are; they are paid when they are not in session as we are who serve on other committees, that serve. And also I can assure you of one thing, that I have sat in on some of their sessions, and we can appropriate money here for departments time and again in whatever way we want to, but you come to any meeting of the council and you will see transfers made that are this thick at each and every session. I mean they are invariably not only as members of the Council, and I don't take issue with them. I have supported them.

I have been one of those who has not necessarily been too happy about abolishing them, but when it comes time for them to be in the Appropriations Committee and when we are not in session, that is exactly what they are throughout the transfer route, which some day I hope to live long enough will be eliminated. And for that major reason alone, I would support the amendment as made justifiably by the gentleman from Bangor, Mr. Kelleher.

Thereupon, House Amendment "G" was adopted.

Mr. Farrington of Old Orchard Beach offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-544) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: Edward V. Lucas posed a question years ago which goes something like this: "Has any reader ever found perfect accuracy in the newspaper account of any event of which he himself had inside knowledge?" The answer to

this gentleman, who incidentally was writing during the heyday of our own Dr. Bither, is quite obvious. But I think I can relate this analysis to the bill and amendment we have before us under L. D. 2029.

The public, for the most part, only knows what it reads in the various newspapers and periodicals. So even though we have a high level of honesty and integrity in the Maine Legislature, at times political writers infer that everything is not as clean and pure as it should be in Maine Government.

If all Maine citizens could serve in the legislature, I don't think there would be any need for this economic disclosure bill and the ethics bill to follow. But obviously this can't be done, and these same political writers have a captive audience with which to advance a sometimes incomplete and unbalanced picture of reality in state government.

Maybe I am naive, but it seems to me that if the public is to fully realize the full extent of our honesty and integrity, we must avoid even the appearance or suspicion of the misconduct we sometimes read in editorials. The bill that we reworked in the Committee on State Government appears, with certain of the amendments, to accomplish this goal.

To answer critics who claim the electorate can evaluate these criteria, let me quote just briefly from the Honorable Wendell R. Anderson, Governor of Minnesota, who said the following on March 23, 1971 in a special message to the 67th Minnesota Legislature.

"The ultimate remedy for unethical behavior among elected officials lies with the electorate, but the electorate must have adequate information for their decisions . . . a means of disclosing important information on which accurate judgments can be based."

I believe we have a reasonable and hopefully palatable solution in L. D. 2029 and especially amendment "B". What I have said concerns the lobbyists as well as legislators, the judiciary, depart-

ment heads, and in Mr. Kelleher's amendment, the Executive Council.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: In order to maintain the confidence of the citizens of Maine in our state government, I believe that we should enact this bill. This bill provides a regulation which is needed and is possible. I think that is important, that this is possible. We can ask for and we can get disclosure from legislators, from the judicial and from the Governor. But this amendment that has been just been offered to us provides for disclosure by the most powerful element in Maine State Government; namely, the lobby.

Now this Legislature hasn't yet, and I repeat, hasn't yet built the capability to impose any regulation on this lobby. To accept this amendment is to kill the bill. This one is certainly offered with the best of intentions, and at the right time, when we have the chance to do it I would support it and work as hard as I could to do it, but that time isn't yet.

We have here now eight amendments offered on this bill. This is a classic example of killing a bill with amendments. Perhaps you have noticed the population in the corridors the last two days, and they aren't down here on account of the Fish and Game hearing this afternoon.

Now about this time I suppose that some of our members are going to stand up and say, "Well, the lobby hasn't contacted me. They have used no influence on me." These lobbyists are exceptionally intelligent people. They are great students of the power structure of the legislative bodies that they deal with. They are not the sort of people who, if they want to gain entrance into a house, would use a barn shovel to break in the French doors.

You hear stories about this fellow gets \$20,000 to defeat this bill or this lobbyist has an income of \$50,000 in the session, and they don't gather this sort of income by acting like blacksmiths down here. They know how to get the

job done so that you don't even know it is happening. Well we are watching here this morning a neat killing job taking place on this bill, a bill that is needed and needed badly. This bill is aimed right at the jugular of the lobby system here in Maine.

Maine people would be outraged if they knew the amounts of money that were expended to influence legislation in the State of Maine. If we get this bill in, not this time perhaps, but next time around we would get the lobbyists to disclose and their effectiveness would be reduced.

Now some of you may feel that it would be my personal desire as an individual legislator to see the lobby removed. Now this isn't so. I feel that it is a completely legitimate function that they serve in representing the interests of their clients down here, but when it reaches the point as it has been through much of the history of the Maine Legislature, where the Legislature is here to implement the desires of their clients rather than they to be here to supplement our efforts, then I think it is wrong. I think it is going to be changed.

I think the evidence is all around us that we are getting self-respect to the extent that we are beginning to recognize ourselves as possibly a real viable force in state government, that we can gather the staff around us so that we don't have to depend on what the lobby tells us or what the bureaucrats tell us to make our decisions, that we will stand on our own feet and affect the course of our state that we love so much, without being dictated to by a lobby that has so long dominated the scene here.

I am optimistic; I think that ten years ago this bill, a bill like this wouldn't have gotten off the ground in the Maine Legislature. Now probably it will die. It certainly won't impose any restrictions on the lobbyists, but it is getting a good airing here now and there are supporters for it, and this is something to cheer about. I think it is just great. We are gaining all the time, but right now I don't think that we have

come this far, so I will move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that House Amendment "B" be indefinitely postponed.

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

Mr. LUND: Mr. Speaker and Members of the House: If the gentleman from Old Orchard Beach would like to sponsor a separate bill dealing with this problem, I for one would be very pleased to support him and help him in any way that I could to get the bill passed.

However, we have a bill before us which is going to be difficult to pass in its present form in any event. And it seems to me — and I am not suggesting I am questioning the intentions of the sponsor of this amendment, I am not, but at the regular session we had a bill dealing with disclosure by lobbyists. It was referred back to State Government Committee, and it is a fact, you may recall, I personally submitted to State Government Committee a comprehensive amendment that would have done in about two pages, in far greater detail, exactly what this amendment would have done. It would have provided for disclosure of expenses and salary arrangements both before and after the session by the lobbyists.

Now I would like to see such a bill passed, and the State of Maine will be the better for it if we could pass such a bill. But that amendment never saw the light of day. If it had it probably wouldn't have gotten very far here.

Now I would be very much surprised if this bill would be enacted if this amendment now pending were attached. So I hope you will vote for indefinite postponement of the pending amendment, not with the thought that it isn't worthwhile but that we are trying to do too much in one bill.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure all of you are aware of the comments that I made dur-

ing the regular session in reference to the lobby and lobbying activities. I feel the same way as the gentleman from Pittsfield and the gentleman from Augusta about solving some of the problems that some of us feel we have during regular and special sessions of any legislature. On the other hand, I also fear the possibility of killing a worthwhile bill, which I think the people of Maine have asked us to enact.

When we look at House Amendment "B" we find problems with it. As you well know, you can pretty well hide a thousand dollars if you happen to be a lawyer receiving income other than during a session, the lobbying fees, if it is simply done in the sense of a contract during the course of the year in the course of the business with a certain client. So it really doesn't solve the problem that we have at hand.

I think it would compound the problem, and so I am going to support the motion for indefinite postponement in the hope that if the majority of this Legislature still feels that we ought to do something about the lobbyists before we go home, then what we might do is introduce an order and have the State Government Committee report out a bill. But I do not believe that this is the proper route to handle that particular field.

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

Mr. FARRINGTON: Mr. Speaker, in order to save the bill, I would like to withdraw this amendment "B".

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that House Amendment "B" be indefinitely postponed. All in favor will say aye; those opposed will say no.

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

Mr. Dam of Skowhegan offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-548) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker, a parliamentary inquiry. Is this amendment germane to the bill?

The SPEAKER: The Chair must rule that this amendment is not germane; it is out of order.

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

Mr. DAM: Mr. Speaker and Members of the House: I do not rise to question the good Speaker's judgment because far be it from the day that I would ever question the judgment our good Speaker. I do rise only to show on the record that when I had this amendment drawn up yesterday I conferred with Mr. Slosberg and I asked him and he said this would be a proper thing to do, that it was in order to amend this bill under this title. I questioned the title at that time. And furthermore, as far as the bill is concerned, the amendment, I do not care personally whether it would be adopted for this bill or it wasn't, or it would be allowed or it wasn't allowed, because I never had the opportunity to go to any college, even the University of Maine when it was a "cow college."

But going back over the statute not with the amendment wordage in there, it says that no trust—and personally this is why I did not feel we ever needed this amendment, but afterward it was felt that it would clarify some language. It says that "no trustee, superintendent, treasurer or other person holding a place of trust in any state office or public institution shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the State."

Now when I came down here to the 104th I knew nothing about the legislature or legislative procedure. I came here strictly as a greenhorn and I may have come in under a wrong impression. But I did come in under the impression that the legislature was a place of trust and that we held a trusted and highly regarded position in state government.

So regardless of the amendment or the status whether it is or is not germane or whether it is or is not adopted, this means nothing, because I think the point, I brought out the point today that

even under the present statutes, that we do have conflicts of interest in the House because if — anybody can read Title XVII—the only way that there could not be a conflict of interest would for the person involved to have to say to himself, the legislature is not a place of trust. And I would hope that no member would ever consider that the legislature, either body, is not a place of high trust and honor to serve in.

The SPEAKER: The Chair would advise the gentleman from Skowhegan that he still has the privilege of appealing the ruling of the Chair to this body if he so desires. Shall the ruling of the Chair be the judgment of the House?

Mr. DAM: Mr. Speaker, I would ask to appeal the ruling of the Chair.

The SPEAKER: The gentleman from Skowhegan, Mr. Dam appeals the ruling of the Chair. The Chair will take a vote. All in favor of sustaining the ruling of the Chair will vote yes; those opposed will vote no.

A vote of the House was taken. 103 having voted in the affirmative and 11 having voted in the negative, the ruling of the Chair was sustained.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Members of the House: I hope at this time my motion will be in order to indefinitely postpone this bill and all its accompanying papers and I will speak very briefly to my motion.

The SPEAKER: The gentleman from Portland, Mr. O'Brien, now moves that this Bill be indefinitely postponed.

The gentleman may proceed.

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: Again, there are many ways to kill a bill, and one way is to amend it to death. I prefer the more direct route, that is why I made that motion to indefinitely postpone.

I think the House is now engaged in a witch hunt. I don't think it is good for the House of Representatives to get involved in

this type of legislation. We are part-time legislators. I am not trying to hide anything; I have nothing to hide, but neither will I vote in fear. My constituents are not calling for this kind of legislation and I feel no need for it.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning kind of feeling like Santa Claus with Christmas all back here again with a bill that is kind of baubled with all kinds of things like a Christmas tree.

I think we are probably facing today a piece of legislation which is going to be one of the most significant pieces of legislation passed by this session of the Legislature. I don't think we can stand here as legislators and deny the fact that the people in this state and the news media in the state have brought the attention to us that we should serve as a catalyst, that we should be the ones to implement legislation such as this to overcome what we might consider a credibility gap between the people and the members of the Maine Legislature. And I believe that this bill is just that such a catalyst.

I think that what we have here today is a bill which has some amendments on it that are very germane to the bill, and I think that they will not do anything to interfere with the bill as it is in its condition right now. All we are seeking is that the public officials of this state disclose who their creditors are and where their income comes from when it is more than \$1,000 from any one source.

We are not asking you to disclose the amount of your income or the amount that you owe to any one person. I really can't honestly believe that any man serving in public office does not feel that the people that he represents has the right to his opinions, to know his opinions on everything, and to know exactly where his economic interests are when he is handling the affairs of this state.

Ladies and gentlemen, I hope that you will support this bill, you will not support the motion to in-

definitely postpone, and then we can enact one of the most important pieces of legislation we have dealt with in some time.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I completely support the motion to indefinitely postpone. I have listened and watched the amendments being offered, and some refused. I realize that there has been of course an attempt to kill the bill by way of amendment. I agree with the gentleman on my right that I think a more direct approach is better. I had planned all the time, and I admit it, to kill the bill.

I also agree with the previous speaker, Mr. Simpson, on one point, that is that we have been badgered by the press to do more on ethics of legislators. I opposed the law in the last session when we set up an Ethics Committee because I said it was not necessary, that our book of joint rules and the House rules, the Senate rules, can be amended, changed and can take care of it all. But the bill was passed and I have no great quarrel with it.

The committee is there; it can do anything that almost either of these laws can do. But when I heard of the changes proposed in the ethics law, and this disclosure bill, I came down to the public hearing and I openly objected and stated why. I called it then a witch hunt; I still call it a witch hunt. But I did not base my information which I am going to speak on briefly, on just my own feelings.

I have spent hours in the library checking up on conflict of interest all over this country of ours. Fifty states have some laws on conflict of interest and on disclosure. Actually I think that it was an error to have these two bills separate. I think they are one and the same; we get them confused because the disclosure law would have to do with conflict of interest.

It is hard to discuss either for or against without overlapping. When the amendment was mentioned

relative to the employees of the state under Chapter 1 of Title II, it adds 55 people and 55 positions; some of them are career positions, adds tremendously to the administration and problems. Another thing which added to the problems is the fact that we are discussing disclosure of interests of over \$1,000 to legislators and various officials.

Now I have here a copy of a listing of all conflict of interest laws in every state in the Union, and it is cut down to a brief cent. The State of Maine, even before last session, had more legislation and more rules on conflict of interest than almost any other state in the Union. On the matter of disclosure there are very few states that have a real disclosure law. Most of the states that have a real strict one are states with full-time legislators.

For instance, the State of Washington had a \$5,000 minimum disclosure bill — it isn't a bill, it is part of their rules book. The State of California had a \$10,000 minimum, that is a full-time highly paid legislature. The State of Illinois has a \$5,000 minimum disclosure law. Most of the rule books and the regulations and the statutes relative to disclosure exempt for mortgages, they exempt stocks, securities, and almost all income except for full-time well paid jobs. In a good many cases then the disclosure law only refers to income which would be affected definitely by the legislative work.

Now there are many parts of this law, some of you people insist that the mortgages should be included. I say, and I think a big majority of us say, that if we have mortgages on our homes for \$3500 it is nobody's business whether we have them or what bank handles the papers.

As far as income is concerned, I still insist as I maintained to the committee, that the election year, when we go up for reelection the constituency is pretty interested in our sources of income. They are not foolish; they are not dumb. They know where our income comes from. They know whether there is likely to be a conflict of interest. If knowing where our pay comes from, they still elect us, it

is still their business. They are the people that elect us; they are the ones we represent. We do not represent the news media.

I have yet to find one individual back home that asked for anything regarding conflict of interest laws. I have reservations relative to possible disclosure on lobbyists; I do not carry any vendetta on that. I think possibly, you will realize, the way I opposed a recent bill before this body, that the lobbyists did not affect me in the least. They really never have, only as a source of information.

I just want to leave a thought with you. It seems to me we are playing with awful small potatoes in a legislature that is made up of citizens who have to make a living back home, we represent businesses, we represent work and jobs. And ever since this legislature was started, over a hundred years ago, people with special interests have been sent down here for the very purpose of looking out for other people with those same interests. Is that a conflict of interest? Is it a conflict of interest for a farmer to sit on an agricultural committee? No, it is not. Not in a part-time legislature, where we get very small pay.

Of course we have in one sense conflict of interest because we get our income elsewhere. But I don't feel that we should waste the taxpayers' money with all of this penny picking on ethics in the State of Maine where our legislatures are a cross section of citizens who come down here in a good many cases at a sacrifice to represent their people back home.

I certainly will support the indefinite postponement of this bill and all its papers.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone. I feel that we are up here to represent our people from our communities, and we have a state, a Right to Know law, I believe that this falls somewhat into the same category. I feel that when a voter goes to the polls, perhaps even for reelection of a candidate,

he should be able to, if he is interested, refer to the gentleman's voting records, also to become acquainted with his sources of income.

I know on more than one occasion I have had some question in my mind whether a conflict of interest might exist. But two times I asked to be excused from voting. I was told once that that was a foolish move; there was no need of that, but in my own mind I felt that I should.

I feel that if we haven't got anything to hide, there is no reason why we shouldn't go along with this disclosure bill. There was reference made that we are part-time legislators rather than professionals, and I think that perhaps this is all the more reason why the people should know where we make our livelihood, because God only knows we don't make it here. And we all seem to be getting by, so we must have some source of income. And I think this is the people's right. So I feel that any matter that will give the voters more confidence in their legislature, that we should support.

Recently in the Sunday Telegram I think the legislature got a little pat on the back for once, comparing us with the Congress of the United States and I agree with this. For once they said they didn't think we were all as bad as a lot of people think we are compared to the record of the Congress. In considering we accomplish what we do with very little staff, I would almost believe that the people of the State of Maine are starting to look at their state, their legislators, in a different way. Actually, the more knowledge a person has got when he goes to vote the better it is.

In closing I would simply say that is why I am in favor of single member legislative districts and a pay raise.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I stand corrected here, but I believe that the gentleman from Norway, Mr. Henley, was the only opponent to the bill. And what we

did in committee was take all of the suggestions and work what we thought was a reasonable and palatable bill. It came out of committee fourteen to nothing to pass. Now this is really something in the Committee on State Government, because looking at the political spectrum we have middle of the roaders on this committee we have conservatives, we have arch conservatives, we have reactionaries, we have liberals, we have radicals. I think the only thing we don't have are revolutionary radicals. So if 14 of us can get together on a unanimous "ought to pass," I think it must be a good bill.

Mr. Carey of Waterville offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-551) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am in opposition to indefinite postponement of this bill. I would support this bill, and I will vote for it in its final form even if it is only to show that we are making a start in the right direction.

If you will read my amendment and compare it with the bill, you will notice that this is one which is needed to clear up what could have been an oversight in the State Government Committee. The first paragraph of the bill in Section 392 makes mention to spouses, that a candidate must disclose not only his income but also that of the spouse. And even after the election, when it is even more important than having been just a candidate, the spouse must declare for himself accepted offers of employment.

My amendment would also include the spouse. It says the spouse was considered even before the election. As some of you know, we currently have members whose spouses are in the lobby, and there is nothing with this. I think that the lobbyists whose spouses are in the House are way above reproach. But in an effort to be consistent in all sections, this is why the amendment was offered.

Thereupon, House Amendment "H" was adopted.

Mrs. McCormick of Union offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-549) was read by the Clerk.

The SPEAKER: The gentlewoman may proceed.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I see no need for this phrase in the bill. I can see legislators having to disclose their interest if they really want to, but our spouse is not running for this office. Therefore I feel they should be left out of the bill.

Take yourself, Mr. Speaker, you ran for the House seat, were elected, then later elected to Speaker of the House. Your wife was not elected to this position, although she may be speaker of her own house; that I don't know. But do you feel it necessary that you should have to disclose the source of her income? I feel this whole bill is unnecessary but if passed I would like to see this amendment adopted.

I realize the amount is not asked in this bill, but give it a year or two and someone will be back and want to know the amount.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is rather difficult to discuss the Speaker's wife because he is really caught up there on the rostrum and can't really come down. But I am sure that the Speaker has no objection to disclosing the fact that his wife happens to be a school teacher, and I am sure that this doesn't really pose a problem, since we are not disclosing the amount of money that Mrs. Kennedy happens to be making.

I really don't think that the amendment is necessary. As a matter of fact I suspect that it really kills the amendment that we just added that was presented to us by the gentleman from Waterville, Mr. Carey. So I would now move its indefinite postponement and ask for your support.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think having known the gentleman from Milbridge for two semesters longer than he has, I can tell you this, that as far as his home life is concerned, he is in the same position as all of us are and he is no exception.

Speaker or no Speaker, he is subject to the proposition of compromise. So if he wants to do something and his good wife wants him to do something else, he compromises and he does exactly what she wants him to do. Now you can take that for cash, because that is the fact. It has existed in my home for 34 years and I am positive it has existed in his also.

As far as I am concerned on this measure, the bill became law for legislative ethics on October 23 at 12:01. I got an answer. I asked for a ruling as to whether I might be in conflict of interest or not. Personally, I could care less either way. I got a 6-0 unanimous report, and I will probably have more to say on the legislative ethics bill when it comes up at a meeting. But I got a 6-0 report that I was not in conflict.

The way this bill is drafted, the way it is being amended, I mean I could care less either way, but I don't know which way I will vote. I might just glance around and pick the easiest way and that is to go with the winners. I don't think there is anything that amounts to — I mean I think this thing is ridiculous. In the first place, we are wasting our time and I think it is about time somebody moved the previous question. I can't because I spoke on the bill.

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

Mr. CAREY: Mr. Speaker and Members of the House: In answer to some inquiries made by the gentleman from Eagle Lake, Mr. Martin, while this would not effectively kill the amendment that I put on, it would in fact do away, and I oppose the amendment; I am in favor of the indefinite postponement of the amendment offered by the gentlewoman from Union.

What it would do is, before the election the spouses wouldn't have to declare, but after election, by my amendment, they would have to declare. So if you are going to declare at all, you may as well start right from the beginning.

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

Mr. ROSS: Mr. Speaker and Members of the House: I support this theory, and I hope that the vote, when it is taken will be taken by the yeas and nays.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question of my really personal friend from Bath, Mr. Ross. He says, "I support this theory." Does he believe in the measure and the philosophy of it?

The SPEAKER: The Chair would advise the members that the pending question is the motion of the gentleman from Eagle Lake, Mr. Martin, that House Amendment "F" be indefinitely postponed.

Whereupon, Mr. Ross withdrew his request for a roll call vote.

The SPEAKER: All in favor of the indefinite postponement of House Amendment "F" will vote yes; those opposed will vote no.

A vote of the House was taken. 69 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

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

Mr. HENLEY: Mr. Speaker, a parliamentary question, please.

The SPEAKER: The gentleman may pose his question.

Mr. HENLEY: Mr. Speaker, in my ignorance I was given to understand that the posture of the bill was waiting on the motion to indefinitely postpone the bill. Is it still open to amendments while that motion is on the floor?

The SPEAKER: The Chair would advise the gentleman that amendments have the highest priority.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have listened keenly to the debate this

afternoon, or this morning, it is soon to be afternoon, and it seems to me that some people think there is a credibility gap between the members of this House and their constituents, and there well may be. But I don't think it is in this field. I am constantly in touch with the people and it seems to me this isn't the field where they are out of touch. They are getting out of touch by picking their pockets. The more you pick their pockets, the further you are getting out of touch with them. And it seems that every time we have a session we have got—I can find the bill here that come to \$3.50 to prove ownership for their car. And every time we gather here we seem to create this gap further in the field of our careless spending of their dollars.

Now I have been here for some time and I can remember back quite a ways and there didn't seem to be this credibility gap, and it was the same type of people here. They were honest then and I think they are honest now. But it is the method by which they pick their pockets that is getting us out of touch with people, not our credibility gap.

Now, in my own instance, everybody can go by any day when I am home and see what I am doing in the daytime, we have a very reliable news system in these little towns where I live. The next morning, the news is around about what you did the night before. So, I don't think in my case there is any need for disclosure about what I do or how I earn a living, it is quite well known. And I suspect that most legislators from small towns, how they earn a living, what they do is quite well known in their neighborhood.

I am sure that what I do is quite well known in my neighborhood and I see no need for this bill and I am not going to carry this on until 3 o'clock in the afternoon. I wholeheartedly support the motion made by some gentleman to indefinitely postpone this, I think it is a very wise motion. It will save the taxpayers money by talking any more and now they want you to disclose, for instance, what your wife's earnings are and what

she does. I don't know, I couldn't disclose what my wife does and I never did want to know, and I think they are reaching a little out of reach in some cases.

I think we are getting into a field that the people are not interested in. I can tell you before I sit down, the people that I represent are interested in one thing, dollars and cents. How much are you going to pick their pocket, how much money you are going to spend, and how much money you are going to give the University of Maine without any strings attached without any line budgeting or they can spend where they want to; and many other instances which I will not go into.

These are what the people are interested in, these are where you are getting out of tune with the people. This is where you are creating a credibility gap; not so much what you do. They are interested in what affects them personally, dollars and cents.

I hope this motion is indefinitely postponed and very soon.

Mr. Scott of Wilton moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All members 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: I don't think I have ever gotten up to stop a motion for the previous question. The motion for the previous question is debatable, this is the last item on the calendar today, it is only 20 minutes past eleven. I think

it is a most interesting and intriguing debate. I think we are getting some people who are happily getting some things off their chest, I still don't know which way I am going and I have never changed my mind as often as I have.

I am deeply interested and I have enjoyed this thing tremendously, and I think we ought to carry it on for a few more minutes. There are a few more people who have got something to say and give them a chance to say it. There is no offense to the gentleman from Wilton, Mr. Scott, for whom I have a great deal of respect, I think it is fair enough to discuss this. I would like to see it go on, I might have a little something else to say myself later on, who knows?

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

Mr. JUTRAS: Mr. Speaker, Ladies and Gentlemen of the House: I think that this special session will be best remembered by the motion made by the gentleman from Portland, Mr. O'Brien, in his great speech with clarity and brevity—

The SPEAKER: Shall the main question be put now is debatable.

Mr. JUTRAS: I'm sorry, however, I hope that I have made my point.

The SPEAKER: Shall the main question be put now? All in favor will answer aye; those opposed will say no.

A viva voce vote being doubted, a vote of the House was taken.

102 having voted in the affirmative and 32 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. O'Brien, that this Bill 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 gentleman from Portland, Mr. O'Brien, that Bill "An Act relating to Disclosure of Economic Interests by Legislators," House Paper 1572, L. D. 2029, 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 — Bailey, Baker, Berry, G. W.; Birt, Bragdon, Brawn, Brown, Bunker, Call, Carrier, Clark, Conley, Cummings, Curran, Dudley, Dyar, Emery, E. M.; Fraser, Genest, Hancock, Hardy, Henley, Hewes, Immonen, Jutras, Kelley, R. P.; Keyte, Lebel, Lewis, Lincoln, Lizotte, Maddox, Manchester, Marsh, McCormick, McKinnon, McNally, Mills, Mosher, Murchison, Norris, O'Brien, Page, Payson, Pontbriand, Rand, Rocheleau, Rollins, Santoro, Sheltra, White, Wight, Williams, Wood, M. E.

NAY — Ault, Barnes, Bartlett, Bernier, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bourgoin, Bustin, Carey, Carter, Churchill, Clemente, Collins, Cooney, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Emery, D. F.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Gill, Good, Goodwin, Hall, Haskell, Hawkens, Hayes, Herrick, Hodgdon, Jalbert, Kelleher, Kelley, K. F.; Kelley, P. S.; Kilroy, Lawry, Lee, Lewin, Littlefield, Lund, Lynch, MacLeod, Marstaller, Martin, McCloskey, McTeague, Millett, Morrell, Murray, Orestis, Parks, Porter, Pratt, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Tynedale, Vincent, Webber, Wheeler, Whitzell, Wood, M. W.; Woodbury.

ABSENT — Albert, Bedard, Cote, Crosby, Donaghy, Drigotas, Lessard, Lucas, Mahany, Smith, D. M.: Whitson.

Yes, 54; No, 85; Absent, 11.

The SPEAKER: Fifty-four having voted in the affirmative and

eighty-five in the negative, with eleven being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "D", "G" and "H" and sent to the Senate.

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

Bill "An Act to Authorize Bond Issue in the Amount of \$8,360,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine," (H. P. 1545) (L. D. 2001)

Pending passage to be engrossed.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I hesitate to work on your eardrums twice the same day, especially this early, before dinner. But I really feel that this bill should be indefinitely postponed, and I so move that this bond issue be indefinitely postponed. I am quite sure that the people would vote it down anyway, at least the taxpayers would. The trouble is, in area where I come from there are not many taxpayers now, they are mostly living on relief, and they don't hesitate to vote on anything like this.

But there are lots of things that I will not go into, I had a lot of things I wanted to talk to you about, but it seems I have said so much this morning I won't go into it. But if you have the bill before you and look it over kind of closely, an awful lot is left to these people and what they will do. And just recently, I have before the Courts one of their decisions to give free tuitions to one ethnic group, and I have nothing against this particular ethnic group but I do support the Constitution of this United States, especially the Fourteenth Amendment, and thereupon, they want to give free tuitions to North American Indians. I suspect if they get this bond issue, they will want to give them to South American Indians. This would not be beyond my expectations.

Now on your desks this morning, I had three pieces of literature put on your desks this morning, one of which is Chapter 128 of the Statutes of Maine, and this seems to be where they are getting their right to give this; and in there it refers to poverty, people in poverty. Well that is the way I see could be any ethnic group, not one.

Now, the other one deals with the letter to Mr. Charles E. Grossland back in January 21, 1960. At that time he seemed to be telling him in this letter that it wasn't right. And the other copy is the article that they passed at the University of Maine, the Board of Trustees, for your convenience showing that they did do this with the North American Indians.

Now the Legislature did not see fit to do this, the Attorney General doesn't see fit to do it, but the Board of Trustees did. I don't, I only point this one thing out because I am not going to talk all day, as one illustration, one glaring illustration of what little attention they pay to us in this Legislature, in this big House, so to speak.

Now, what they do and they seem to have a right to, to this extent. About 1903, which is a little bit before I can remember, this House or this Legislature said to this college and such by legislation that we want to wash our hands of it, but this is your college. So this college, as far as I can see by legislation is no different than Ricker College, Higgins Classical Institute or any other school that is not owned by the state, and yet we give tremendous amounts of money there to try to get our children educated without any strings attached, no line budgeting and, believe me, I live near there so I can see the reckless spending.

So this is what really concerns the people in the district that I represent; not the bill that we just had before us, that doesn't amount to anything to me really, and it doesn't amount to anything to my constituents. They are not very snooty people; but they are interested in dollars and cents and this bond issue is certainly a dollars and cents issue and I hope that you at least in the final enactment and

I wish you would vote now for indefinite postponement. And I would like to have a division and we can see how many people feel that this is an unreasonable thing and I was wondering then we could see maybe if we are going to get 2-3 in this House. I rather doubt if we can.

If you knew the facts as I do and if I had the time to go through these documents before me, which I won't break your eardrums this morning, I am sure you would vote as I do for indefinite postponement. And if you are interested in more information, I am sure I could get it for you without making the whole body listen to the rhetoric. I suggest you talk to me at my desk and if you have some questions, perhaps I can enlighten you further. I hope that this measure, and I so move, is indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the indefinite postponement of this motion this morning and I will tell you why I do.

I went down to see Mr. Garside concerning this bond issue and over a period of 20 years we are going to be paying \$4,389,000 he estimates in interest. I think the bond issue is a little bit too high to put out to the people and I would respectfully ask someone to table this because I would like to put an amendment on it to take some of the money out of surplus, among other things. So I would like to have someone table this for me for one day, please.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion. I think that probably the gentleman who made the motion, the gentleman from Enfield, Mr. Dudley, probably would be more in a position if he were discussing the Appropriations Act which would be coming out sometime next week. I think probably, I would like to go over this

whole thing and discuss it and try to do it as briefly as I can, some of the background of it.

To answer the question first of the previous speaker, the gentleman from Bangor, Mr. Kelleher, this was discussed in committee and we didn't feel that there was enough money in the unappropriated surplus to be able to do anything in the area of what he was talking about. Now this bond issue, and I can say this, I don't know if this is true of the other but I can say this. This bond issue was actually, was requested and endorsed by the Trustees and one of the Trustees that asked me if I would sponsor this bond issue. They completely endorse it, they do feel that there are quite a few things that should be given serious consideration in this.

The first thing is, that presently, with the exception of one building in Portland, there is no capital construction going on anywhere in the entire university system of any size. There are a couple or three small projects and one in Portland. The lead time on this bill is at least three years. In other words, if we approve this bond issue in this session, at the very earliest, it would be September of 1975 before any student will be able to take any advantage of it. It is going to mean that it is going to be about seven years of lapse between the approval of the last bond issue or last capital construction and any usage of capital construction that might come out of this bond issue. This bond issue is a great deal smaller than some of the ones that were previously presented. And I have done something that probably hasn't been too often done, but prior to the convening of the Legislature I made a trip over the entire university system with my wife.

We have had a chance to review many of the problems that they do have as far as their buildings and their whole capital program is concerned. About half of these items in here, and I refer to areas particularly in the Machias and Presque Isle and Fort Kent areas, are buildings that are totally inade-

quate. In most cases, there are probably very few high schools in the state that have facilities that are poor as what the facilities they have in Machias and Fort Kent.

The Machias facility, as far as the chemical and physics lab is concerned, isn't as good as the one that I went to high school in, and that was quite a few years ago. And they are attempting to teach about 600 children down there, which about two thirds have to take some form of chemistry and physics with completely inadequate facilities. Some of the facilities on the campus have been upgraded in the couple of years, but these facilities, I think, are in very poor shape.

I think the other one that I had the biggest feeling for was the situation in Fort Kent, in which about seven years ago the high school moved out of the facility they had to because it was inadequate, and we are expecting several hundred students to go up there and try to take Phys Ed education, participate in physical athletics in an old armory that has no lockers, completely inadequate washroom facilities, in which the female or the girl students have to put on a coat to go over to the dormitory before they can even clean up after they have used the gym. It is a cement floor and some of the kids were having to wear rubber supporters inside of their sneakers because of shin-splint problems that they were running into, and these things were pointed out to me and I talked to some of the students in there too. The facilities there are completely inadequate.

Presque Isle has somewhat the same situation. At Orono, and I know there are people in this House that can discuss the problems in Orono, because some of them have been students there, in which you have English classes scattered all over the campus with no coordination in combining the facilities, and the same way with the Math facilities.

The other schools have somewhat better facilities, but I do find or did find in all of these that there

is a need to increase the facility because they are inadequate to do the job that they need to be done. And this is particularly true in areas like Farmington in which about two thirds of the students are commuting, and yet they do not have an adequate student center. In Portland, which has a building about two thirds done and it being utilized at about 85 percent of its capacity right now, and 70 to 72 percent figured to be maximum.

I believe that all of the items in here are worthwhile. I think this is one of the few times in which the Trustees have really put their support behind it. I do feel that this bond issue is one that we should give serious consideration to because of the problem of the timing, the time that will be necessary before they can use these facilities. I hope the motion to indefinitely postpone is not successful and this will go on and be sent out to the people.

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

Mr. JALBERT: Mr. Speaker, Members of the House: The gentleman from East Millinocket, Mr. Birt, gave you an explanation of the measure, and he talked about the fact that the surplus was discussed, and I would very humbly take a different view on this commentary this morning than he does.

Now, you all received yesterday one sheet of where we stood financially as of January 31, 1972, which shows us with nearly \$9 million in surplus. Now I have talked to several of you over this since we started this session and I discussed with you the fact that it was my humble opinion that the \$13.5 million as submitted to us in the Governor's program would come down to approximately \$10 million. According to the chairman of the Appropriations and Financial Affairs Committee, in the press media today, that conclusion has been substantiated and I think if you care to come up to the Appropriations room, it would be no cardinal sin to show you that

that is exactly what is going to happen.

It is therefore, my humble opinion that we might as well wind up with anywhere between either by raising the anticipated estimates which is brought about by continuation of monies coming in through our economy that we might well land around the figure from 18 to 20 million dollars. Now assuming that we spend \$10 million of it for L. D. 1892, and assuming that we spend some \$1 million for L. D.'s that are flying around here and there, that right there would come up to about the sum of \$11 million. That would leave us with \$9 million in the bank.

My thinking, and it still is my thinking, and I am not going to oppose this motion, go along with this motion, but my thinking is this: My thinking is that we could very easily take anywhere from four to five million dollars out of surplus, which would still leave us a nice cushion of 4 or 5 million dollars in the bank in surplus that is and we could take the first priorities as outlined in the bill and we could do two things that way. We could assure the University of Maine that they would have something, number one. Number two, over a 20 year bond issue, we certainly would save almost as much money as we would pass out.

Since I have been in this Legislature, I mean it was really a cardinal sin to talk about taking money from surpluses, for security. Now, not everybody has told me that the way to take surplus — the way to use surplus was for bricks and mortar.

As a matter of fact, I can well recall one time when I put a measure in asking for us to take \$2 million out of the surplus many years ago for recurring items, and I was called everything from a chairman of a monumental shell game down on up. The ironical part of it, of course, is that two days later, the gentleman from Perham, Mr. Bragdon, put the same order in and I mean, there was no thought of that and he remained the gentleman from Perham, Mr. Bragdon and his order passed.

But I still go along with the philosophy that you buy a car out of your savings account and you run it out of your checking account, and this is one time when we would give the chance, even by giving the University of Maine some money, we have a chance to save almost that same amount of money we give them out of interest, and still leave some money in the bank.

And the other reason I want to tell you is this. This needs two thirds of the membership present to pass, and it also needs to be passed by the public. I want to see the University of Maine get something and I can assure you of one thing right now, when this thing hits the electorate in November it is doomed because of the fact that our masons have worked for it and I signed the report "ought to pass" here, but when you have got money in your pocket it is no time to go around borrowing money and paying interest on it. I have a sheet here with me which shows us as of January 31, 1970, \$8.47 million in surplus.

If we are going to spend \$11 million now and these figures here come anywhere near going to where they are going to be, we will have nearly \$20 million. And if we spend \$11 million here and we give them \$4 or \$5 million out of surplus, we would save the interest money, we would save the cost of a referendum and we would assure the University of Maine of some money. Because if this thing goes before the public at \$8.3 million, I can assure you of one thing it is a dead dodo.

I shall vote for the measure as it stands; when it comes time, however, for the two thirds it might be a different story with me. But I am thoroughly convinced we have money in the bank and we should not go out borrowing. That is the worst type of finance, number one; number two, the other worst type of financing is financing monies of a recurring nature through our surplus. We have done that to a point now where we are hooked into practically a major tax at the next session. We are in a real trouble when we come back here, and for those who might come back here I

would like to have the blows less painful.

I think the Appropriations Committee took the wrong direction in this thing. I went along with them, I didn't want to be arbitrary, but the fact of the matter, it was more than just lightly discussed by the membership and it is more than lightly discussed in my own mind.

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

Mr. HANCOCK: Mr. Speaker, I move this matter be tabled for one legislative day.

The SPEAKER: The gentleman from Casco, Mr. Hancock moves that L. D. 2001 be tabled for one legislative day pending the motion of the gentleman from Enfield, Mr. Dudley that it be indefinitely postponed. Is this the pleasure of the House?

(Cries of "No")

The Chair will order a vote. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 33 having voted in the negative, the motion to table did prevail.

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

Mr. ROSS: The Supreme Court of the State of Maine last night rendered its decision on the ballot reform referendum. I will not belabor this issue, even though it is my favorite topic. However, we have almost talked the subject to death.

Today you have all received copies of this decision. It is a nine page decision and I will briefly highlight the report. The Supreme Court, in a unanimous decision, said it was the duty of the Governor to issue the proclamation immediately on the ballot reform referendum. It added that Governor Curtis's decision to hold the election in November was forbidden by mandate of the Constitution.

The time span exceeding six months was not a reasonably short time, as spelled out in the Constitu-

tion. Now, the Court did not issue an order under a writ of mandamus against the Governor. But they pointed out the law, they pointed out his duty, and they left the decision to his conscience.

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

Mr. MARTIN: Ladies and Gentlemen of the House: For the past two weeks, people in my corner and myself in particular, have felt rather harassed by some of the remarks made on and off the record about the so-called Monks ballot.

I expressed at that time a desire and feeling that the decision be left to the Court of the state. It is my personal feeling that certain individuals were merely attempting to get ink on the newspapers of the state, in attacking the Governor, in attacking the Democrats, in attacking the motives of individuals unjustly.

I have no objections whatsoever with the fact that the gentleman from Bath today indicated that the record and the Court decision had been handed down and we now have it in front of us. But I only wish that for the past two weeks, when all of this was in Court, that nothing had been said. It would seem to me much better in the long run. There is no question as a result of this Court decision that the decision of whether or not the question goes to the people in June, in May or in July or in November or next year, lies in the hands of the Governor.

I can assure you that he will make the decision and that it will be public and all of us will see it. But I repeat, I only wish during all of this time, we might have been spared a little bit of rhetoric.

(Off Record Remarks)

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Now, Mr. Speaker, somewhere along the line, there are some people that just can't get on their feet without taking a personal cut at somebody. And I am about ready to serve notice that I have been known to do pretty well to shoot sharp curves somewhere along the line. But this morning, being a mild-mannered man, I will let it go at that.

The gentleman from Wayne, Mr. Ault, makes comment about the fact that I moved to indefinitely postpone a measure which would charge the press for rental, which probably would amount to \$150-\$200 a month. I previously made a motion to kill a bill that would spend \$450,000 of the State's money, just about ten minutes before I made the motion to kill the amendment that we charge the press. I would like to ask the gentleman if he wants to answer, from Wayne, Mr. Ault, how he voted to save \$450,000.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.