

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

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1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Monday, February 28, 1972

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

Prayer by the Rev. Canon Charles Karsten of Gardiner.

The members stood at attention during the playing of the National Anthem by the Bucksport High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that there is allocated from the Legislative Account the sum of \$3,000 to the Special Interim Legislative Insurance Study Commission established at the regular legislative session pursuant to H. P. 1348 to continue its study on matters of no-fault automobile insurance, pool underwriting associations for fire and extended coverage insurance, promotion of pool associations by School Administrative Districts, cancellation and nonrenewals of agencies and policies and inclusions of mental illness and treatment by psychologists under health insurance plans, as well as rate filings by insurance companies and rating bureaus (S. P. 769)

Came from the Senate read and passed.

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought to pass" on Bill "An Act relating to Guarantees by the State Industrial Building Authority and the Maine Recreation Authority" (S. P. 706) (L. D. 1887)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
 WYMAN of Washington
 CLIFFORD
 of Androscoggin
 — of the Senate.
 Messrs. STILLINGS of Berwick
 DONAGHY of Lubec
 SILVERMAN of Calais

FARRINGTON

of Old Orchard Beach
 HODGDON of Kittery

Mrs. GOODWIN of Bath

Messrs. MARSTALLER

of Freeport

SHAW of Chelsea

— of the House.

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

Report was signed by the following members:

Messrs. BUSTIN of Augusta

CURTIS of Orono

COONEY of Webster

— of the House.

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

In the House: Reports were read.

On motion of Mr. Marsteller of Freeport, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was read twice.

Senate Amendment "B" (S-361) was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

Non-Concurrent Matter

Bill "An Act relating to Kindling Out-of-door Fires" (H. P. 1480) (L. D. 1923) which was passed to be engrossed in the House on February 15.

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

In the House: On motion of Mr. Parks of Presque Isle, the House voted to insist.

**Non-Concurrent Matter
 Tabled and Assigned**

Bill "An Act relating to Disclosure of Economic Interests by Legislators and Others" (H. P. 1572) (L. D. 2029) on which the House voted to insist on indefinite postponement on February 24.

Came from the Senate passed to be engrossed as amended by House Amendments "A", "D", "G", "H" and "K" and Senate Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House:

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

Mr. HANCOCK: Mr. Speaker, I move that we adhere to our former action.

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

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Two legislative days ago we spent a great deal of time debating this in this body and at that time a great deal of the opposition was based on the fact that one certain newspaper writer wanted this bill and that the majority of the public were not concerned about what was being done here by us or by lobbyists.

Over the weekend I had an opportunity to speak to some of my constituents — granted they are some distance away, but they brought it to my attention and asked me how I had voted, interestingly enough, and they weren't at all concerned about the fact that one newspaperman was the prime reason perhaps for its passage initially, and its support. But there were more concerned about whether or not the legislators were going to take an active part in going through with expressing the wishes of their own selves, as if they were down here.

It could very well be that we have nothing to hide, and I think that is true. But on the other hand if we have nothing to hide certainly there is nothing wrong in passing this bill.

I think that what we ought to do is to try to see whether or not we can express some confidence on the part of the average voter in the bill and also on our own part. Now I know that there are personal reactions to why it ought to be opposed. I can

sympathize with some of those things and I am sure that there are problems with this bill. But it would seem to me that the thing to do is to correct those problems at the next session and I am sure that that will be taken care of as things always are at the next regular session.

And so I would ask all of you to vote to recede and concur this morning.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Today I would like to address myself directly to the bill itself and what I feel the reasons that we need such a bill, and the remarks that I am going to offer right now not only pertain to this bill but they pertain to the ethics bill which will be the first item under Orders of the Day.

As a citizen legislator I wonder just how many of you know anything about me. I really wonder if I know an awful lot about the fellow legislators I am working with. I also wonder if many of the people who I represent really know what my interests are and what they aren't, when it comes to financial interests.

You can pick up the Maine Truck Owners Association and you probably can read where I am a real estate broker, where I also am in the recreational resort area. But I wonder if anybody in this House knows that I am also a principal stockholder in a major financial company, not in this particular state but in another state. Now what if it were in this state?

You know as citizen legislators I think that I for one, and I doubt if many other people sitting on this House floor can honestly say that they don't have some type of a vested interest in this Legislature, either direct or indirect, and all they have got to do is to look at the type of legislation that I might introduce or the type of legislation that I support or vote against, and I think that all of us are pretty well in the same boat.

As a member of the profession of realtors or in the recreational

business or in any other business, what is stopping anybody from offering me a job, especially if I was in a position in this House, in a position of influence on a very good powerful committee or in leadership or any other type of position in the House, what is stopping anybody from asking me to go to work for them, possibly with the idea that I could take and use my influence in that particular area to pass some legislation that might be of benefit to them or maybe even a detriment to them?

Now I don't believe that any man or any woman in this House would do such a thing, but the mere fact of the matter is that we control as citizen legislators the government of this state, a government that very shortly will be a half a billion dollars. Now I think with that type of responsibility that every single one of us ought to really sit down and take a good deep hard look at ourselves, the type of legislation that we deal with here every day.

And we look at this bill, and I don't see anything wrong with the bill as it is written right now. There could be some amendments that could be offered in the regular session, but right now I think we have a document that behooves every one of us to pass, and I would ask you to please recede and concur.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen: I would have to agree with the gentleman from Eagle Lake, Mr. Martin when he said that this was quite thoroughly discussed and debated the other day. However, I hope that each and every one of you who feels that they would like to say something on the subject today, whether you are for the motion or you are opposed to it, for the bill or opposed to it, will get up and have your say today; because there are possibly some things still left unsaid.

I am not going to go through all the remarks that I made last Thursday, I believe it was, I won't bore you that way again. But I

do want to repeat this. I am not opposed to meaningful financial disclosure by members of the Legislature. What I am saying is this, that this is not such a bill. It will confuse the people back home; it will not enlighten them.

Secondly, when you come down to the basic issue here, of what we have been discussing this last week, I would have to refer again to a remark made by Mr. Martin of Eagle Lake; and that is the newspapers. Basically the fight that we are in here today is not on financial disclosure, because we do not have a meaningful bill to work with. The fight that we are involved with today is who is the more powerful, the members of the Maine House or the state newspapers? This is what we come down to.

As far as I am myself concerned, I will repeat this offer. Within 24 hours time, if I can figure it out, I will disclose my own financial resources to the Clerk of the House or to any other appropriate person. I am not opposed to meaningful financial disclosure. This bill does not do it. This is merely a fight between some of those people who couldn't get elected to any real minor position as against us who have worked hard to come down here to represent the people of the state.

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

Mr. JUTRAS: Mr. Speaker and Ladies and Gentlemen of the House: As an appendix to what has been said by Representative Hancock of Casco in order to kill this bill, I can only quote what one member of this Legislature used to say whenever he wanted a bill defeated in the 102nd Legislature. That was the Honorable Frank Bussiere from Lewiston. "Ladies and Gentlemen," he would say, "this is a bad bill; let's kill it."

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

Mr. JALBERT: Mr. Speaker and Members of the House: Over the many years there has been legislation that has been presented before this group, which has toyed with

the idea of doing something in this area. There have been studies by committees. And finally at the last session of the Legislature a form of legislative ethics bill came up, which at least was something on the books.

In order to try to put my point over I would have to refer back and make comment. First I would like to state that we all get up here and sometimes we talk about our "very dear friend" and our "very very dear friend." In this particular instance I know that there is not a shadow of a doubt in my mind, and I am positive that there isn't in the mind of the gentleman from Casco, Mr. Hancock, that it is not only the friendship that exists between us but the very deep friendship that exists between me and an older brother, and it existed between he and his dear father. And one of the reasons why such a friendship exists is because we can agree pleasantly, and almost possibly more finally on my part than his, he being a very mild-mannered man, and still the friendship holds; and in my opinion that is the reasoning in the area of honest and true friendship.

Now when the bill came up concerning itself with legislative ethics, back over the years my primary work was selling road material, but as things went along either I had to join a major oil company or subject myself to quotas which kept dwindling down. And not being altogether stupid I realized that by joining a major oil company I would subject myself to younger competition, not necessarily more aggressive, but possibly they could outlast me a little bit in the hour department on the various shifts; although it was only up to a few years ago that I could do pretty well on all three shifts. In any event, serious illnesses stopped me from doing too much in that area.

I had been very very friendly for two decades with the hierarchy of the Maine Central Railroad and I knew that there was a prestigious position coming. I also knew as a matter of fact that I had been turned down on more than one occasion; and I had been turned down justifiably, because I am

honest enough to stand here and tell you that there are even days when I question whether or not I would allow myself in my own cellar. But there was one gentleman in the hierarchy of the Maine Central Railroad, the Honorable Spencer Miller, who believed in me, who befriended me when sometimes even it might have been embarrassing for him to do so.

So consequently, after refusals and after discussions and debates and conferences, this was offered to me at a later age than I think it should have been, in my opinion, because I rather enjoy what I am doing.

Because of the fact that I had been appointed to a position of trust in the executive department, because I had been named to a committee that involved itself with oil and could conceivably profit my employer, it was not the Legislative Ethics Committee that asked for a hearing when the law became in effect at midnight on September 23; it was I who did it at 12:01 a.m. After several conferences and after several discussions among themselves, the committee decided six to zero that I would not be in conflict of interest.

I had gone to the Chairman of the Research Committee, a member of the other branch who not only was chairman of the committee but also is a very dear personal friend of mine, and I had offered to resign not only as a matter of fact from the subcommittee but from the entire committee. He refused, because "I know that you will do the right thing."

You know I think possibly I made up my mind on this measure on my way to Manchester, New Hampshire at 4:30 last Saturday, particularly on my way back. Now as far as my press relations are concerned, I have said it often and I will say it now. Sometimes I get the best of it; sometimes I don't. If an editorial is in my favor, I buy a hundred copies; if it is against me, it is the opinion of one man. It is as simple as that.

I have thought about this bill and the next bill that is coming up, the legislative ethics bill. As a matter of fact, if you would really look at the bills very, very care-

fully, one would almost have to agree that the gentleman from Casco, Mr. Hancock is right — there isn't too much in either bill. But one would also have to agree with the gentleman from Eagle Lake, Mr. Martin, that this is not the end of the world, that we are going into other sessions of the legislature, and these measures could be improved upon. It would behoove me to have the Legislative Ethics Committee continue their work to have a meaningful bill.

As far as the press is concerned, they neither encourage me or discourage me, they neither make me hilariously happy or dreadfully unhappy — only if they fail to do one thing, and that is to ignore me. And believe me that when you are in this business, inside this railing, if you are ignored then you are dead, because I don't know anybody that could be any more lonesome than an ignored politician. And anybody that will get up here and make the statement that they are not in politics let me remind you that if you don't think you are, in my opinion, neither are you in a cribbage game. You run for office, you are elected to office, you become a politician; and if you read up on the word politician in Webster's Unabridged you will find it as a fine explanation of a good public servant who too wants to do the right thing.

In my opinion, I think this bill and the other bill should be strengthened. I certainly felt that the amendment as presented by Mr. Dudley should have passed. I mean if the members of the House and the other body, and even the Governor and departmental heads, should be brought in, certainly selectmen and aldermen and councilmen and mayors should be brought in. They hold a position of trust; they handle funds. As a matter of fact, we don't. We appropriate sometimes too much; we tax sometimes too little to meet the appropriations that we make. But I have nothing to hide; I never have.

I think the biggest joke I got was when I watched Channel 13

Saturday and listened to somebody mention the fact that a certain piece of legislation was hypocritical. I have been called everything but a hypocrite; but I will take care of that answer in due course of time. Having absolutely nothing to hide and having been the number one scuttler of this piece of legislation and the other one, only an idiot would not change his thinking, and what I saw over the weekend changed my thinking.

It is now my intention, Mr. Speaker and Members of the House, with a hope that these bills both will be strengthened, either by the Research Committee or by the leadership which makes up the Legislative Ethics Committee, and without being facetious, Mr. Speaker, I hope they will take note of their own ethics and I am sure, Mr. Speaker, that you will as you have publicly. It is my intention therefore to go along with the motion of the gentleman from Eagle Lake, Mr. Martin, vote for this bill, for its final passage, and vote for the Legislative Ethics bill when it comes up for approval and for final passage.

Mr. Finemore of Bridgewater requested the yeas and nays.

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

Mr. CALL: Mr. Speaker and Members of the House: Last Thursday when this bill received its initial lengthy debate I was not present. So I should like to give out my thoughts on this matter.

I can assure you that I read with much interest the statements from the various legislators as appeared in Friday's proof of the Thursday meeting. And I should like to say at the outset, the gentleman from Casco, Mr. Hancock and others will be interested to know that — some probably do know, several years ago there was a bill in the legislature which would call for the writers of editorials to have their names at the bottom. The bill came close to passing; it did not pass. I did not come over to the hearing and I was not present over here at any time while it was going around.

But, I feel that one reason, from my own experience as having worked over six years for newspapers, why it did not pass, and that is the reason. Many times even though a newspaper has an editorial writer, he is handed a paper by the publisher, or he is called in his office by the publisher and asked to come to his office for dictation. I think that you will all agree with me that someone who puts in his column a certain item, no part of which is his, should have his name on that editorial, and I want it known that I am not trying to put my good friend from Casco, Mr. Hancock in a bad light. I just want him to know that that is probably one reason why that bill did not pass a few years ago.

Now in all seriousness let me say this. Because I feel that this bill is utterly ridiculous. I think if the gentleman from Lewiston, who has just been mentioned, the Honorable Frank Bussiere was here he would say just that — "It's a bad bill; let's kill it."

Supposing — and I certainly have nobody in mind, but supposing somebody does a pretty good job with the art of blackmail. Is he supposed to put that down? Of course not. And then too we have all known of situations where somebody pretty well thought of in the community wants the skids taken out from under somebody. So he hires somebody to do it. Well now is that person who gets a good sum for that supposed to reveal the source of that income? Of course not.

Now as has been stated before in this House, an awful lot of so-called or alleged desires of the people of the community are not their desires. They are the desires of the newspaper people. Some communities have certain philosophies different from the people of other communities and these different philosophies apply to certain practices and situations. But often the newspapers try to say that these people do not harbor that sort of philosophy. They want a certain thing and they go after it. I will give a perfect current example.

Tonight in the City of Lewiston the Council is supposed to pass

the 1972 municipal budget. They probably will because the deadline is tomorrow night at midnight. A newspaper editorial over a week ago insisted that the Council should be prepared to answer to the multitude of taxpayers who would attend last Thursday night's meetings with various questions. Mr. Speaker, there were only eight people in the audience section at that meeting.

Now this legislation would discourage certain prominent and respected people in the various communities who might be planning to seek a legislative seat in the future.

One item lacking constantly in our everyday lives is the item of consistency. If this bill passes some alleged violators will suffer and some will be liberated, and I don't have to tell you it will be the good guys who will suffer. That is all I have to say for now.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I have supported this document since it came into this House and I was quite disturbed Sunday when I sat down to read the Portland Sunday Telegram, to read an article that one Donald Hansen wrote concerning the muscle of the lobbyists killing this bill, and he tried to infer to his readers that the lobbyists were intimidating you and I as legislators, are attempting to tell us how we should vote on certain issues in this legislature. It bothers me to no end to have someone in a position that this gentleman is in and who, unless one of us gets up here and speaks as a rebuttal to articles that are printed, that the public has to take for granted what these gentlemen write.

He stated that the lobbyists to a certain degree have been trying to influence you and I. Well, I can say honestly as far as I am concerned that none of them have ever bothered me concerning this document or any other document before this House, and knowing you people and the integrity of you people I am quite sure that they certainly haven't bothered

you. But this is just an implication of what he was trying to convey to the people of this state, and when I read that article that he wrote in the paper Sunday — and as I told Mr. Simpson here this morning or this afternoon, if there ever was an attempt to try to torpedo a bill I think they can almost thank the gentleman from Portland who wrote the article.

It bothers me to no end. He has a great influence, he has a tremendous following, and there is no opportunity for anyone to come back at a ridiculous statement that he made in the paper unless you and I do it as individuals here.

I don't know about yourselves. I am going to continue to support the bill as I have from its beginning. But I don't want him to try to attempt to tell the people of this state that I or any other member of this body voted for it or voted against it due to pressures from outside. If there ever was anyone that tries to intimidate anybody in this House or influence the people of this state, I am afraid to say it is Mr. Hansen.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen of the House: I think Mr. Hansen would be one of the first people to admit that the only people that read political editorials would be politicians or people interested in politics, that his influence wouldn't be as great as the gentleman from Bangor has indicated, although I agree with the gentleman from Bangor as to his criticism of the article. I don't believe that the lobbyists have the influence that was indicated on this particular bill.

The thing that separates us from some of the other groups that were to be included by amendments into this bill would be our low pay, and because of this it would be all the more important for us to have a disclosure although I have no objections to other groups being included.

The lobbyists have been made the whipping boy of this bill. The lobbying that has been done on this bill hasn't been done out in the

hallways; it has been done down here on the floor by the members of this body. The newspapers weren't the people that started this bill. This bill originated through the Ethics Committee, the State Government Committee. It was sent to the floor by veteran legislative members that have been around. This thing wasn't something that was done in haste and thrown together and sent down to the floor.

So I see no reason to set this off for the 106th for further study, due to the nature of the people who were involved in drawing this bill up. It has been pointed out that one of the best ways to kill a bill is to amend it to death. This is exactly what has happened to this bill, and once again this was done on the floor and not in the hallways.

The low pay of the legislative members is probably one of the most decisive factors that would cause people to look upon us with suspicion and want to know where other sources of income come from for the legislative members. I am not standing here to cast aspersions on anyone who would oppose this bill. I respect their convictions in the belief that this is not a good bill. I would hope that they would, and I am sure that they would think that people in support of this bill would feel the same, that it is strictly a merit of conviction.

The newspapers have not pushed for this bill. The lobbyists have not pushed against this bill to the extent that is being given out, and I would hope that you would support this bill at this time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would just add one word. I have been lobbied on this bill, last Friday, by a lobbyist, one of the most highly respected lobbyists in these two bodies. He told me to vote for the bill.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I do

not support this bill and I will not vote for it. My reasons for not voting for this bill isn't because of the money that I get or money that I don't get. I came in here twenty years ago with three cents in my pocket, and twenty years later I still have got three cents in my pocket. So I didn't get enriched in this legislature.

But with me I think it is a matter of principle. I feel that it is my freedom as an American citizen that is being questioned. My integrity is being questioned. No individual in this state or anywhere around the State House can ever question my honesty and my integrity. But under this bill here they are trying to put me to the forefront and it is telling me that I have been doing wrong for twenty years and for the next twenty years the new legislators coming in will be doing wrong.

I think you are questioning the integrity of people, of individuals, who pride themselves on being citizens of these United States and having certain freedoms that we must exercise. If we are going to be tied down and shackled every time that somebody thinks we should be, I think it is time that we take another look at ourselves and abolish this legislature and let the people of the state run the state without a legislature.

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

Mr. SMITH: Mr. Speaker and Members of the House: I have been trying to keep quiet on this bill, but for some reason I just can't resist this opportunity to speak to the members of the Legislature.

I don't think that any of the proponents of this bill, certainly not me, are suggesting that anybody here is untrustworthy or that anybody in the past has committed any dishonest acts. I certainly don't know of any and I couldn't prove any such charges. The issue before us, however, has been a growing national issue for quite some time now. I think we have all felt a general malaise on the part of the people concerning politics in this country for the last ten years or so. I think that this general

malaise has given rise to a number of political private-public, if you want to call them that, lobby organizations just for citizens.

The Honorable John Gardner heads one of those. He was the former Health and Welfare Secretary under President Kennedy. I think his concerns, the things that he has said in the last few years, accurately reflect what many people in this country feel about politics, about our governmental system. We ought to have it open. We ought to have all of the cards laid on the table, whether they affect us individually or whether they affect other particular interest groups that are trying to influence legislation.

Secondly I would just like to point out that I think that we have been a little harsh on newspapers and probably a little harsh on lobbyists, because I must frankly admit that I have not been approached by any lobbyists on this bill. But at least the things that the newspapers have said have been said in front of all of the people. They have been written in public for public consumption. What the newspapers have said has not been said behind closed doors or in secret, and I do not object to that kind of commentary.

As a matter of fact it almost strikes me, if I did not have such a high regard for those who have brought the newspapers into this conflict and made it sound like the legislature versus the newspapers, there was a direct and obvious attempt to mask this to obscure the issues. I do not think that this is at all reflection of the truth. I think what newspapers and what people generally across this country are trying to do is hold politicians to strict accountability, and I believe that we all should be held to strict accountability.

I think we should try to allay the malaise of which I spoke a few minutes ago, but I think that absolute truthfulness in this matter and the matters that it refers to is essential. Today, perhaps it wasn't twenty years ago, but times are changing, and it is today. So I urge you to support the motion to recede and concur.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I feel fully as strong today as I did the day before, the other legislative day when I stood before you. However, I didn't go to New Hampshire over the weekend and I didn't have time to read these newspapers that are being criticized, and couldn't care less what they write.

But I would call it a sad day in this House when another body sends a document back and gets us to go down on our knees and change our minds. I am too strong for that. I have made up my mind that this is bad, that it keeps good men from this body and I know that nobody back home expects you can live today on \$2500. I hope every one of you have got a job and a good job, you will need it, because you couldn't live today on this money and my people where I come from are intelligent enough to know that.

I am sure that if a document like this were to pass, you would keep a lot of intelligent people from this House, and we need that type of people here. I am sure that it may keep some people away that are having a hard time financially. I know a lot of people have pride, they are not fussy about showing all their documents, what they owe and so forth. I have had neighbors like that in my lifetime.

If any of you people here have got a guilty complex, which I have not, there is no reason why you couldn't file this in your advertisement when you are running for office, or you could see that it is written in the document put out by the different companies that shows the legislators' names and where they come from.

So if your conscience is bothering you, you could see that your pedigree is all printed somewhere. Mine doesn't bother me today, tonight or any other time. And so I stand before you here today and I hope that you will be as strong in mind and body as you were the other day and vote this bill not to recede and concur, that we are a body by ourselves and we will de-

cide by ourselves and then we will vote to insist on our former action.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am serving my second term in this body. I would like to refer to three pieces of legislation I have sponsored. One pertained to mandatory discharge of chattel mortgages, another one pertained to conditional privileges, and another one pertained to tampering with speedometers. All, in my mind, were consumer protection bills. I did not get pressed on these bills, I did not expect it.

But let the record show that by pushing these three pieces of legislation, two of which are now statutes, it has cost me personally thousands of dollars. These industries in the state have driven me to my knees because I broke up some million dollar frauds. And when I say million, these are multi-million dollar frauds. There is no equal protection in this bill.

We have no protection from industrial giants in this state. I think, to put it in plain words, when my wife tells the kids they can't have cookies out of the cookie jar before supper, they darn sure don't take them when she is looking.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: Over the weekend, I was talking to a man who is very prominent in the judiciary about this bill and I asked his opinion on it.

Well, he was familiar with the bill to my surprise, and he made the statement almost word for word what I will tell you. That this is an expression in futility, on this legislative document, that any person elected to the Maine Legislature under the constitutional laws of the State of Maine when asked about his financial assets or anything of that nature can plead the Fifth Amendment and this law has no standing in effect at law.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I had some material last week which I would like to quote in my last plea for sanity relative to these so-called conflict of interest bills. This applies to any and all of them.

I would like to show that what my friend, Larry Simpson, of Standish has to say relative to holding shares of stock, etcetera, should really make no difference what he has to say about citizen legislators which is prevalent throughout the country, those people like this legislature, who have to make their living other than the Legislature, we are only here a part of a two-year period of time.

I would like to show from the general opinions based on the compilation of laws on ethics throughout the United States, all 50 states, that the general consensus is that in this type of a Legislature, we do not have to have a lot of legislative laws relative to conflict of interest or declaration of income.

Now, I have got a copy here from the Chairman of Judicial Ethics. I will quote you a paragraph, and an explanation of it.

"In regard to legislation, the questions are: How much can one legislator promote a selfish cause or defeat a popular one? Does a leader or a member of a legislature have sufficient power to thwart the general will of the body? One source maintains they do not:

"In state government the need to acquire a majority in the legislative process produces concessions and compromises among colliding interests to such an extent that it is highly improbable that any single interest will acquire everything it desires, especially in a body as large as most bi-cameral state legislatures. Further, since a disqualifying interest is usually defined as one that is unique to the official, most state legislation will enlarge the benefited group to the extent that such a distinct personal interest will seldom arise. This is the case, for example, when a farmer-legislator votes for an increase in the level of parity." Because there would

be several farmers and because it would affect all farmers in the state. Now, I want to quote just a little bit more, Someone the other day, I think it was Mr. Farrington, quoted a special message or a part of it of Governor Anderson of Minnesota to the 67th Minnesota Legislature in March of 1971 on Code of Ethics, paragraph 7, sub 2:

"The code should state that a Legislator is considered to have a personal interest in conflict with the proper discharge of his duties if he has reason to expect that he will experience direct monetary gain or loss in his legislative capacity by reason of his official activity. He should not be considered to have such a personal interest, however, if the benefit or detriment affects him no more greatly than it affects other members of a business classification, profession, occupation, or other group to which he belongs."

Mr. Simpson being a stockholder in an industry, his business is not unique. The chances are there are several legislators who own stock in industry in the State of Maine. I presume there are and I don't give a hoot and I don't think the most of us do. I think that is his business and the industry's business.

If our Committee on Ethics decides that there is something involving that specific industry, which might financially benefit Mr. Simpson, then he should be requested or ordered by our Ethics Committee of which we have one, not to vote or take part in that discussion. That is the only place where it needs to have any effect. We should realize that. We have wasted so much of the taxpayers' money on this witch hunt in trying to set up something in an election year, which some politicians feel might better their image.

I will take my chances by opposing this bill all along. Now, I will also state that, as I said the other day, the State of Maine has as much on its laws and its rule books as any State in the union and more than most. And I will quote the Constitution IV, Part III, Sec. 10-11—Dual office prohibitions.

Joint Rule 4—Member voting

House Rule 19—Conflict of interest voting

Senate Rule 24—Conflict of interest voting

House Rule 14—Committee membership prohibitions

Senate Rule 34—Committee membership prohibitions

Legislative Resolution (1961) — Legislative code of ethics

Constitution IX, 13—Bribery of elections

MRSA Title 17, 601—Bribery.

In addition to that is the committee which we set up last year. Now, with all of these things, what more do we need? The committee has complete authority to act and it already acted at one time in this session. And I would like to quote that as being in one sense rather futile because that same case where two members of this House were barred from taking part, they were both of the opposite feeling on the bill, and if they had left it completely alone one would have offset the other, just as it states in this tentative judicial ethics. That is the way it would happen 90% of the time.

One more mention I want to make of our friends in the news. I have no war with editorial writers. Like the rest of you, I find that many times their editorials perhaps seem slanted, they spend much more time being critical of the legislature than they do praising it. But they, of course, feel that they are shapers of destiny. And they have been pounding away—I would like to inform my friend Mr. Vincent that they have been pounding away for years on this thing and they would be much gratified if we would be subdued and just follow along with everything that they are pleased to present to us.

Now, from what I have stated relative to the news media, especially the newspapers, the daily papers, on these particular bills, I find that probably I am a pretty small politician because as my friend, Mr. Jalbert of Lewiston has stated, that if one is ignored by the press then he certainly is lost. Well, then I am lost because relative to my opposition to these bills I have been completely ignored, and I probably will get

along just the same. I owe the newspapers nothing and they owe me nothing.

I am down here to represent my constituency to the best of my ability and until they want me to do differently, I shall oppose such foolish bills as these that cost our taxpayers so much money.

I hope you will vote against the motion to recede and concur so that we can adhere.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise here this afternoon to uphold Representative Cote in his way of thinking. I believe throughout my life that I have labored hard and honestly to become a citizen of some standing in my community. There are many in my community that earned far in excess of my earnings who did not see fit to invest for the future.

Why at this time should I be penalized to disclose my holdings to those who did not care to better themselves? I have always admired every person that could do better than myself, and let me quote to you from the Good Book It says, "Be not thy jealous of thy brother." And I think in this here we are trying to be jealous and as far as the news media, I will say this. They haven't written anything against me nor for me, so they haven't hurt me a bit, so I have nothing to say and I hope that you will go along with Mr. Cote one hundred percent in his way of thinking.

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

Mr. HEWES: Mr. Speaker, Members of the House: I think that the government that governs least is the government that governs best. We have eight volumes of Revised Statutes presently and to pass one more which has been called a futile law, I think is useless.

When you consider whether we should have a bill or not, I think you should consider the need first off. Is there a need for such a bill? I don't think that a need has

been shown here in the debate today.

The gentleman from Portland, Mr. Vincent, mentioned that possibly because our compensations are not excessive, we should disclose the source of our income. But I wish to point out that in the town of Cape Elizabeth, anyway, the school board members do not get paid and the town council receive only \$10 per meeting for no more than 30 meetings a year. I believe the school board in Portland is either not paid or receives very little pay.

In other words, his argument is defeated when municipal offices and officials are left out of the bill. I go along with the gentleman who just spoke, Mr. Brawn, that we are elected by our constituents. We try to prove ourselves to people who vote for us, our constituency, and not the people back here in Augusta. We want to do our job here in Augusta but the people back home probably know a lot more about each of you than perhaps you realize they do, and they are the ones that elect us. And once we are elected by the people, it seems to me that we shouldn't have to disclose what is requested in this particular bill.

I hope you will defeat the bill and defeat the pending motion to recede and concur.

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

Mr. DONAGHY: I am glad that I am following the gentleman from Cape Elizabeth, he sort of calmed me down. It is what I was thinking but couldn't find the words.

This is a very poor bill, it is unnecessary. I am afraid that Don Hansen would lose about half his income if he is paid by the line if this goes over. But we shouldn't be worried about Don Hansen. I wish the editorial writers would be more accurate. For instance, one that was on your desks Friday, "The people should know by whom lobbyists are employed. Certainly their source of income is no less public interest than that of legislators."

Now, we all know that the Secretary of State has on record,

for public record, who the lobbyists are in this House, whether or not they are for the Christian Civic League or Handicapped Children or what have you and whether or not they don't all have dirty, oily white hats or something like this or even pitch on them from the lumber interests. But every one of them is on record and it would seem reasonable to assume that the people that hire them are the ones that pay them.

Now, this, to me, is the complete answer to this editorial here that says that it is public interest to what their source of income is. If they are hired by a paper company, then that paper company is paying them. It is ridiculous to clutter up newspapers, clutter up our statutes with these things that are meaningless and unnecessary.

On a personal basis, you were labored at some length by the good gentleman from Lewiston, Mr. Jalbert, about who employed him and why and how long. My constituents know who has employed me over the last 25 or 30 years and they elected me, and if they don't want me to come back again they won't elect me next time, and this is true of every person in this House. Well, I will take that back, we have these cities like Portland where you just go ahead and vote a Big Box for a whole list of legislators, we are trying to do away with that but the people of Portland will have to put up with it until we get a few different people here to go along with us to put in single member districts again. I think it is on your calendar today.

But, in the meantime let's not clutter up our law books with unnecessary legislation. If you are honest, your constituents will recognize it and send you here to represent them. If you are not, they won't.

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

Mr. SUSI: Ladies and Gentlemen of the House: I can understand the reluctance that many of us feel towards imposing another restriction on our lives, but certainly we do make varying amounts of

sacrifices to come down here and serve in the legislature, and to impose another one on us does seem a little much. But it seems to me that I witnessed in some of the reactions here some of the same reaction that was supposed to have occurred when the Federal Income Tax first came into existence and a form was sent around up here. And this one Maine gentleman is supposed to have taken his form, and looked in the upper right hand corner where it said "do not write in this space," and when he filled it out he wrote, "I will write anyplace I have a mind to." And I think there is some of that reaction here.

I don't know of any proponent for this measure who, to any degree, believes that his fellow legislators need policing. I say this honestly, I think that we recognize that we run a pretty clean show here. It is a small community, Maine is, and we know our neighbors well and to a high degree there is policing. But I think that if we were to adopt this measure, that we perhaps could reduce the incidents of this expression, "cheap politician," and that may always be with us, but I hope not.

It has been pointed out that there are deficiencies in the bill, but I would not argue with that; and so it raises the question of what is the need for it. To me, one of the prime needs for it is the fact that we are taking some 35 or 40 per cent of the incomes of our constituents now in support of government. Now, we may not like it that it is this way, but here we are down here and we are, as a majority, voting in this direction. And we see before us, I believe, an increasing eminence of the Maine State Legislature. I think we are going to be filling a much greater role. I think that Federal revenue sharing is going to be a part of the picture in this.

Hopefully, we will be involved in the distribution of these funds, which will be considerable. Now, when we get this deeply involved in the economic lives of our constituents, I think that they have a right to know. I think that there is a feeling around that they would

like to know what prompts us to act as we do on particular bills. In my own district, granted, probably people do know what I am involved in and what my economic interests are but as the floor leader for the majority party here, the people around the state don't know this and I for one would like them to know because I am reaching into their lives, I am affecting their lives when I vote for or against, and there might be even two or three others who go with me on it: I feel that there is a real responsibility in this.

Now, this occurred to me riding down that in the preparation of food, at home, what our sanitary standards are is no one else's business. Now, I am not attacking anyone's preparation of food in his own kitchen, I presume that we are all very neat. But, I guess it is pretty much our own business. But we have laws that say when we go into serving the public, feeding the public, then we have to lend ourselves to regulation. I think that is reasonable and good.

Now, many of us might feel, well, people should not be eating out in these restaurants anyway, they should be eating at home same as they did fifty years ago. But the fact is that more and more people are eating out in restaurants, and I think that it does call for a stricter regulation on these people because you are getting more and more involved, and we want to feel comfortable when we go in, that the people who are handling food are doing well in it. This is no slant or slur on any one of these people.

The Ethics Committee is made up of the leadership of this Legislature, and we have had several meetings, lengthy meetings in this general topic that is covered by this disclosure bill and the ethics bill that will be coming up today too. You might assume that perhaps we are better acquainted with it than the average legislator, inasmuch as we have had all this exposure to it. And I believe that every member of leadership has gone on record as supporting these two bills. They are not stringent bills. I don't think that they are going to have that profound ef-

fect, but I think they will create more confidence in the people of Maine in their legislature and us. And I think we need this confidence because we are going to be called on more and more to dip into their lives whether we like it or not.

We might wish that it was back when grandma and grandpa lived in the ell, and if you got scarlet fever you tied a piece of red flannel around your neck, and everything had nice little simple solutions. But it isn't that way any more. I honestly don't see how we are going to reach solutions on many of these things other than through government, and I think that this places the burden on us to have absolute confidence of people, and this is a measure which would contribute to it.

So I would hope you would support the recede and concur motion that is before you, so that we will get this bill in its present form into the books.

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 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. Is it the pleasure of the House that the main question be put now? All in favor will say aye; those opposed will say no.

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

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

vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur on Bill "An Act relating to Disclosure of Economic Interests by Legislators and Others," House Paper 1572, L. D. 2029. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Barnes, Bartlett, Bedard, Berry, P. P.; Bither, Boudreau, Bourgoing, Bustin, Carey, Carter, Clemente, Collins, Cooney, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Gagnon, Gauthier, Gill, Good, Goodwin, Hall, Haskell, Hayes, Herrick, Jalbert, Kelleher, Kelley, P. S.; Keyte, Lawry, Lebel, Littlefield, Lucas, Lund, Lynch, MacLeod, Mahany, Marsh, Marsteller, Martin, McCloskey, McTeague, Millett, Morrell, Murray, Orestis, Parks, Porter, Pratt, Ross, Shute, Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Susi, Theriault, Tyndale, Vincent, Wheeler, Whitson, Wood, M. W.; Wood, M. E.

NAY — Bailey, Baker, Berry, G. W.; Berube, Birt, Bragdon, Brawn, Brown, Bunker, Call, Carrier, Churchill, Clark, Conley, Cote, Curran, Donaghy, Dudley, Dyar, Evans, Finemore, Fraser, Genest, Hancock, Hardy, Hawkens, Henley, Hewes, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lizotte, Maddox, Manchester, McCormick, McKinnon, McNally, Mills, Mosher, Murchison, Norris, O'Brien, Payson, Rand, Rocheleau, Rollins, Santoro, Scott, Shaw, Sheltra, Simpson, T. R.; Stillings, Tanguay, Trask, White, Whitzell, Wight, Williams, Woodbury.

ABSENT — Bernier, Binnette, Crosby, Cummings, Drigotas, Hodgdon, Kilroy, Lessard, Page, Pontbriand, Webber.

Yes, 75; No, 64; Absent, 11.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-four in the negative, with eleven being absent, the motion does prevail.

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

Mr. SUSI: Mr. Speaker, having voted on the prevailing side, I move that we reconsider and I hope that you vote against me.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that the House reconsider its action whereby it receded and concurred.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I urge the House to reconsider because I still think I should offer this amendment that I had the other day; I think it should pass. And if we decide to pass a bill of this nature I think it should cover all public officials.

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

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

Whereupon, Mr. Susi of Pittsfield, requested a vote.

Mr. Hancock of Casco requested a roll call vote.

The SPEAKER: The yeas and nays have been requested on the tabling motion. 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 this matter be tabled for one legislative day, pending the motion of Mr. Susi of Pittsfield to reconsider. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Bedard, Berry, G. W.

Berube, Birt, Bragdon, Brown, Bunker, Call, Carrier, Churchill, Clark, Conley, Cote, Curran, Donaghy, Dudley, Dyar, Emery, E. M.; Evans, Fecteau, Finemore, Fraser, Genest, Hancock, Hardy, Henley, Hewes, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, Lewin, Lewis, Lincoln, Lizotte, Maddox, Mahany, Manchester, McCormick, McKinnon, McNally, Mills, Mosher, Murchison, Norris, O'Brien, Parks, Payson, Rand, Rollins, Santoro, Shaw, Sheltra, Shute, Simpson, T. R.; Tanguay, Trask, White, Whitzell, Wight, Williams, Woodbury.

NAY — Barnes, Bartlett, Berry, P. P.; Bither, Boudreau, Bourgoin, Brawn, Bustin, Carey, Carter, Clemente, Collins, Cooney, Cottrell, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Emery, D. F.; Farrington, Faucher, Gagnon, Gauthier, Gill, Good, Goodwin, Hall, Haskell, Hawken, Hayes, Herrick, Kelley, P. S.; Lebel, Littlefield, Lucas, Lund, Lynch, MacLeod, Marsh, Martin, McCloskey, McTeague, Millett, Morrell, Murray, Orestis, Porter, Pratt, Rocheleau, Ross, Scott, Silverman, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Tyndale, Vincent, Wheeler, Wood, M. W.; Wood, M. E.

ABSENT — Bernier, Binnette, Crosby, Cummings, Drigotas, Hodgdon, Kilroy, Lessard, Marstaller, Page, Pontbriand, Webber, Whitson.

Yes, 71; No, 66; Absent, 13.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-six in the negative, with thirteen being absent, the motion does prevail.

The following paper was taken up out of order by unanimous consent.

House Report of Committee Ought to Pass in New Draft Recommended

Mr. Shaw from the Committee on State Government on Bill "An Act Creating the Maine Industrial Port Authority" (H. P. 1505) (L. D. 1947) reported a new draft (H. P. 1592) (L. D. 2050) under same title and recommended that same

be printed and recommitted to the Committee on State Government.

Report was read and accepted, the New Draft recommitted to the committee on State Government and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter Tabled and Assigned

Majority Report of the Committee on Labor on Bill "An Act relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974) reporting same in a new draft (H. P. 1583) (L. D. 2041) under title of "An Act to Clarify the Scope of Collective Bargaining Under the Municipal Employees Labor Relations Law" and that it "Ought to pass" and Minority Report "A" on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" and Minority Report "B" on same Bill reporting that it be referred to the 106th Legislature on which the House accepted Minority Report "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" and House Amendment "A" on February 24.

Came from the Senate with Minority Report "B" accepted in non-concurrence and the Bill referred to the 106th Legislature in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act relating to Per Diem Allowances and Expenses for Members of the State Board of Barbers and State Board of Hairdressers" (H. P. 1580) (L. D. 2037) which was passed to be engrossed in the House on February 23.

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

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

Orders

On motion of Mr. Lawry of Fairfield it was

ORDERED, that Mr. Webber of Belfast be excused from attendance during this Special Session for the remainder of his illness.

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

Mr. LEWIS: Mr. Speaker, I would ask if the House is in possession of L. D. 1937?

The SPEAKER: The answer is in the affirmative. Bill "An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions," House Paper 1494, L. D. 1937.

The Chair recognizes the same gentleman.

Mr. LEWIS: Mr. Speaker and Members of the House: I would like to make a brief statement before offering several motions. I realize that this House has more important questions to resolve than this one concerning the Town of Dresden. On the other hand, considerable effort and time have been put into this bill. I still feel that it would be a mighty good thing for the Town of Dresden and, therefore, I make the following motions.

Thereupon, on motion of Mr. Lewis of Bristol, the House reconsidered its action of February 25 whereby the House voted to insist.

On further motion of the same gentleman, the House voted to recede from passage to be enacted.

On further motion of the same gentleman, the House voted to recede from passage to be engrossed.

On further motion of the same gentleman, the House voted to recede from the adoption of House Amendment "C" and indefinitely postponed same.

On further motion of the same gentleman, the House voted to recede from the adoption of House Amendment "B" and indefinitely postponed same.

On further motion of the same gentleman, the House voted to recede from the adoption of House amendment "A".

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

House Amendment "A" to House Amendment "A" (H-579) was read by the Clerk and adopted. House Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

House Reports of Committees Ought to Pass with Committee Amendment Tabled and Assigned

Mr. Shaw from the Committee on State Government on Bill "An Act Implementing the Reorganization of the Department of Finance and Administration" (H. P. 1546) (L. D. 2002) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on State Government reporting "Ought to pass" on Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 1543) (L. D. 1999)

Report was signed by the following members:

Messrs. WYMAN of Washington
JOHNSON of Somerset

— of the Senate.

Messrs. SILVERMAN of Calais
MARSTALLER

of Freeport

DONAGHY of Lubec

HODGDON of Kittery

STILLINGS of Berwick

SHAW of Chelsea

CURTIS of Orono

— of the House.

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

Report was signed by the following members:

Mr. CLIFFORD
of Androscoggin

— of the Senate.
Mr. BUSTIN of Augusta
Mrs. GOODWIN of Bath
Messrs. COONEY of Webster
FARRINGTON

of Old Orchard Beach

— of the House.

Reports were read.

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

Mr. MARSTALLER: Mr. Speaker, I move this item be tabled for one legislative day, pending the acceptance of either report.

The SPEAKER: The gentleman from Freeport, Mr. Marstaller, moves that L. D. 1999 be tabled for one legislative day pending the acceptance of either Report.

Whereupon, Mr. Martin of Eagle Lake requested a vote on the tabling motion.

The SPEAKER: A vote has been requested on the tabling motion. All in favor of this matter being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

Third Reader Tabled and Assigned

Bill "An Act relating to the Management of Solid Wastes" (H. P. 1587) (L. D. 2046)

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

(On motion of Mr. Porter of Lincoln, tabled pending passage to be engrossed and tomorrow assigned.)

Passed to Be Enacted

An Act Implementing the Reorganization of the Department of Agriculture (S. P. 716) (L. D. 1989)

An Act Implementing the Reorganization of the Department of Public Safety (S. P. 718) (L. D. 1991)

An Act Providing Funds to Town of Mattawamkeag to Construct Municipal Buildings Destroyed by Fire (H. P. 1525) (L. D. 1968)

An Act Implementing the Reorganization of the Department of Transportation (H. P. 1541) (L. D. 2013)

An Act Establishing a Tuition Equalization Fund for Maine Students Entering Maine Private Colleges (H. P. 1575) (L. D. 2032)

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

The following enactors were taken up out of order by unanimous consent.

**Passed to Be Enacted
Emergency Measure**

An Act relating to Interceptor Sewers and Pumping Stations of Waterville Sewerage District and Municipalities Within Kennebec Sanitary Treatment Districts (S. P. 758) (L. D. 2030)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Reporting Tumors and Establishing a State-wide Tumor Registry (S. P. 766) (L. D. 2043)

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

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

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a question which I would pose to any member of the Committee on Health and Institutional Services. Last Friday afternoon I had a discussion with an expert in this particular field of medicine. Everyone, of course — at least no one to my knowledge opposes this, but the physician to whom I was speaking inquired as to who or how this was to be financed.

For instance, it says, "A physician, upon notification by the Department of Health and Welfare, shall report to the Department any further information," and so forth,

"concerning any person under his care." Also, under Registry, "The Department of Health and Welfare shall maintain and operate a state-wide central tumor registry."

Now obviously this is going to cost someone some money. So my question — I would pose this question through the Chair to any member of the Health and Institutional Services as to how this program will be financed.

The SPEAKER: The gentleman from Machias, Mr. Kelley, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question posed by the gentleman from Machias, Mr. Kelley, this will be funded by federal funds. The tumor registry will not be set up unless federal funds are available for it. It would involve a staff of six people here in the state in order to keep track of it on a computerized basis of all the cases which were reported to the registry.

If there are any further questions I will be glad to answer them.

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

An Act Implementing the Reorganization of the Department of Secretary of State (H. P. 1535) (L. D. 1978)

An Act Reallocating Funds for Auburn-Lewiston and Rumford Airports Provided by 1967 Bond Issue (H. P. 1574) (L. D. 2031)

An Act relating to Restoration to State Service (H. P. 1579) (L. D. 2036)

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

Orders of the Day

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

HOUSE DIVIDED REPORT — Majority (11) "Ought to pass" in New Draft — Committee on State Government on Bill "An Act re-

lating to Legislative Ethics" (H. P. 1538) (L. D. 1980) — New Draft (H. P. 1588) (L. D. 2048) under same title and Minority (3) reporting "Ought to pass" in New Draft (H. P. 1589) (L. D. 2049) under same title.

Tabled — February 25, by Mr. Hancock of Casco.

Pending—Motion of Mr. Donaghy of Lubec to accept Minority Report.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to urge you all to reject the motion of Mr. Donaghy. The draft which he and a minority of the committee signed, three members on the committee, simply repeals the present law we have on the books which we passed earlier in this session.

And the majority report, signed by eleven members of the committee sets up a new, I think much better and much more workable ethics bill. It defines ethics for legislators in very reasonable terms, and it sets up a very reasonable process by which legislative ethics can be determined. So I hope this afternoon you reject the pending motion so we can accept the majority report.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like, too, to ask that you reject the minority report that is before us so that we might accept the majority report.

I will take just a minute to remind you of the history of this legislation. In the last session, you remember, we put through a bill which established a Legislative Ethics Committee. In the interim, between sessions, we had occasion to get together on one case that was brought before us that received considerable publicity, and frankly I, and I believe other members of the Legislative Ethics Committee, felt as though we had egg on our face. We never had worked with this. We didn't have guidelines, we didn't know how to handle it, and we were floundering

in the broad view of all of the people of the State of Maine, and it made us look a little cheap, I would say.

Since that experience this Legislative Ethics Committee, again, made up of leadership, has held several meetings and applied itself very forcefully in attempting to resolve some of the problems that we have run into in this only experience that we had ever had in operating. We hired a good staff member who worked long and hard on it and we came up with this bill. It went to State Government and State Government had some observations on the topic and they have made some changes in it, and it is reflected in your majority report.

I still sense a feeling around here that, you know, if we put through a bill on legislative ethics we are accusing ourselves of being unethical—not at all. We have put through legislation on criminal actions and what the penalty shall be, and I don't think we need to feel like criminals because we do this.

Again, I think it would generate confidence, and I hope that you will reject the minority report and accept the majority report.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor this point at any great lengths. This isn't too different a story than what we had on the bill that you in your judgment thought should be accepted and is now on the table.

We went through a great deal of study on the State Government Committee on this. It seemed that the farther we went with it the deeper into the quagmire that we became entangled.

For instance, just to give you a very simple illustration. There isn't a one of us in here, I don't expect at least, that doesn't have electric lights. So none of us could say that we were in the clear when we voted on something that involved the price of electricity. There are very few of us that don't use or have a checking account.

Now there may not be very much in some of them, including my own, but this involves us in banking.

Many of us were sent here by our constituents because we had knowledge in special fields and they wanted us to come down here because, for instance, if it was in a wooded area of the state they might be sending a forester down here to represent them. Now it gets to be a pretty sticky question when you can't take a man who represents constituents who are interested in a particular bill when he can't vote on it, because he has knowledge of that particular area.

Now this follows through. We are not all talking about horse racing or oil or ecology and all these various things that seem to be in the forefront of much of the thinking today. But when you start getting into the basics on this thing, it seems that it all comes back to good, common horse sense.

I feel that over the past years, although some of the folks around here seem to be getting sick with the way things are running, I am not. We make mistakes, sure, but overall we are doing a pretty good job and the leadership has shown good leadership. And I think that this should be put back under House and Senate Joint Rules and let these people continue to use their good judgment. I am sure once and awhile there will be a bauble, but this state has been going along pretty well over the years. In fact, our economic views can't very well be blamed on the leadership of the House and Senate, and other than that I think we are just getting ourselves in deeper and cluttering up the statutes with unnecessary things, mostly because we have a boogeyman behind each wood pile or behind every bedroom door. Let's forget about this thing and kill this bill once and for all and when the other one comes back again tomorrow, do the same to that.

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

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree with Mr.

Donaghy that the committee did find that this problem of legislative ethics is a thorny one. I know that earlier in the session, in the regular session when this bill originally came through I supported it, thought it was a dandy idea. I didn't see a lot of the thorns in it. I have to agree with Mr. Donaghy and the two members of the State Government Committee who joined him, that this is a difficult issue. In fact, I think all the members of the committee agree that it is a difficult issue.

So don't think that those of us who signed the Majority "Ought to pass" Report haven't come up with something we think is reasonable and workable. And if you will look at document 2048, you will see that we tried to define in simple, reasonable terms what a conflict of interest is.

For instance, it says "when the adoption of proposed legislation will result in a direct significant financial gain to him and there could be a conflict of interest." And we have gone on and defined these things.

The people on the State Government Committee worked long and hard at trying to set these things down in reasonable terms that will work, and I urge you to reject the motion that is now pending so that we can accept this bill. Read it, I think you will find that it is a reasonable one.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Minority "Ought to pass" in new draft Report on Bill "An Act relating to Legislative Ethics," House Paper 1589, L. D. 2049. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted.

The New Draft was read twice and tomorrow assigned.

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

Bill "An Act relating to Clarifying Definitions Relating to the Potato Industry of Maine" (S. P. 762) (L. D. 2033) — In Senate, passed to be engrossed.

Tabled — February 25, by Mr. Finemore of Bridgewater.

Pending — Passage to be engrossed.

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

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: Last Friday I said I was going to present an amendment to this bill to try to make it more workable. I have changed my mind; I don't think anything can make this bill more workable to my satisfaction, so I will not present any amendment at this time.

However, this summer, I am told by potato men in all parts of this state, they are going to take a long hard look at the whole potato problem, with special emphasis on quality improvement and on retail sales overall and come up with a bill in the 106th that will be fair and offer protection for all in the potato game. In view of these facts, I now move that this bill be passed to be engrossed.

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

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

HOUSE DIVIDED REPORT — Majority (8) "Ought not to pass" — Minority (6) "Ought to pass" — Committee on State Government on Resolution Proposing an Amendment to the Constitution to Reduce the Age of Qualification as a Member of the Maine House of Representatives to Twenty Years (H. P. 1508) (L. D. 1950)

Tabled — February 25, by Mr. Parks of Presque Isle.

Pending — Motion of Mr. Donaghy of Lubec to accept Majority Report.

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

Mr. FARRINGTON: Mr. Speaker and Members of the House: I would hope that this House would turn down the motion of Mr. Donaghy so that this bill could get to its third reading and debate the bill at the third reading. At that time I would expect to amend the bill.

The SPEAKER: The Chair will order a vote. The pending question is on motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 82 voted in the affirmative and 69 voted in the negative.

Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

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

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

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

Mr. LAWRY: Mr. Speaker and Members of the House: This is my resolve, and when I presented it it was to allow 20-year-olds to serve in the legislature, and I had no idea there would be any objection to such a move. Twenty-year-olds have had adult rights since the 104th, and I notice that in the bill that we have in the other body now that the legal fraternity backed adult rights for 18-year-olds. When I heard my good friend Mr. Ross get up and say that he saw no objection to the 18-year-olds enjoying adult rights I felt that naturally there would be a great deal of support for this particular resolve. As a matter of fact, I believe it went under the hammer.

But I do feel that if we are going to grant adult rights and expect 20-year-olds, or 18-year-olds if we pass it, to come under our

laws and obey them, it does seem that to be consistent we should turn around and give them a chance to run for the legislature and have a hand in making the laws that they are going to be governed under.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the I also agree with the remarks made by the gentleman from Fairfield. I don't happen to believe that we have to worry about 151 18-year-olds or 20-year-olds running for the House of Representatives, that we all would find 18 or 20-year-old candidates opposing us at the next session of the legislature in November, this fall.

I think it does give them an opportunity to express their views, to be able to say that they can participate in the political process and that they ought to have that option. Now they may not choose to do anything; they may not choose to run, but at least they cannot accuse us of saying that we refused to give them a voice. We will have done that if we give them that opportunity, and so I would ask you to vote no, so that we could allow this bill to go to its third reading.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I would go along with Mr. Lawry and my good friend John Martin because with this ethics bill they may be the only members of the population, of that segment that will qualify to come to the legislature.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would remind the gentleman from Eagle Lake, Mr. Martin, that you don't need 151 in this House; I have always felt 76 was sufficient.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise just briefly before the vote is taken to agree with

the gentleman from Eagle Lake, and my good friend, the gentleman from Fairfield, Mr. Lawry, and remind the members of this body that if anybody feels threatened by the fact that somebody 18 years old may come in here, that there is a double check on it. First of all, the people have to approve the constitutional change in November. And secondly, they have to elect someone that age to come in here.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would concur with the remarks of the last speaker. This is a constitutional amendment. But there is a member in this House who was too young to vote for himself in the last primaries. He became of age between the primary and the election. I speak of the young man from Bangor, Mr. Murray. I have observed him from the very first day in the legislature. He was a member of the 34, incidentally, and I think that I have seen in him what I consider fine young America.

I see others in the House who are sitting mostly on the left, the gentleman from Portland, Mr. Clemente. I could name several of the younger members. I have seen a great growing up in the young man from Portland, Mr. Vincent, in the last two years. I enjoyed the fact that the young members of the House were meeting weekly when we first started out. I knew exactly what would happen — a couple of sound spankings on the floor would make them realize that the experienced will teach the inexperienced and the older will teach the younger.

I think Maine should be very proud of its young membership in this House. And for that reason, and for no other reason, I am voting for this bill.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Mr. Jalbert, referred to our Democratic membership. I will refer to the Republican

membership of the 104th. On the Industrial Recreation Committee we had a young man, Representative Neil Corson, who I considered one of the most brilliant young men I had come in contact with in a long time. This young man had to wait until he was 21 years old to be sworn in and he had already been elected to the House. I found him to be an excellent, well informed young man on all the industrial affairs.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can't for the life of me realize how I could ever forget to talk about the Republican Party.

The SPEAKER: The Chair recognizes the gentlewoman from Newport, Mrs. Cummings.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: I would just like to say that I think it is a mistake to talk about the 18-year-olds as being a group of people who are all thinking exactly alike, and that very often I think that we consider them as being frightening because they are against those of us that are slightly over thirty.

I think actually the point is that if we give them the privilege of running, they will have to run on their merits, and they will be elected or not according to the way they think. You are going to get conservative young men and women and you are going to get liberal ones and you are going to get those that are for revolution and all the facets that we represent right here now. And I certainly hope this bill goes through.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution to Reduce the Age of Qualification as a Member of the Maine House of Representatives to Twenty Years, House Paper 1508, L. D. 1950. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Bither, Bragdon, Bunker, Carey, Carrier, Clark, Curtis, A. P.; Donaghy, Evans, Fraser, Hall, Hardy, Hawkens, Henley, Kelley, K. F.; Lee, Lincoln, Littlefield, Lizotte, Maddox, Marsteller, McCormick, Mosher, Payson, Pratt, Rand, Rocheleau, Shaw, Trask, White, Wight, Williams, Woodbury.

NAY — Albert, Bedard, Berube, Birt, Boudreau, Bourgoin, Brawn, Brown, Bustin, Call, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S. Jr.; Cyr, Dam, Dow, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hancock, Herrick, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lewin, Lewis, Lucas, Lund, Lynch, MacLeod, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McNally, McTeague, Millett, Mills, Morrell, Murchison, Murray, Norris, O'Brien, Orestis, Parks, Porter, Rollins, Ross, Santoro, Scott, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Tyndale, Vincent, Wheeler, Whitson, Whitzell, Wood, M. W.; Wood, M. E.

ABSENT — Bernier, Binnette, Crosby, Drigotas, Dudley, Haskell, Hayes, Hodgdon, Immonen, Lessard, Page, Pontbriand, Sheltra, Tanguay, Webber.

Yes, 40; No, 95; Absent, 15.

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

Thereupon, the Minority "Ought to pass" Report was accepted, the Resolution read once and tomorrow assigned.

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (H. P. 1468) (L. D. 1911) — Committee Amendment

“A” (H-559), House Amendment “A” (H-562) and House Amendment “B” (H-564) adopted.

Tabled — February 25, by Mr. Lynch of Livermore Falls.

Pending — Passage to be engrossed.

Mr. Haskell of Houlton offered House Amendment “C” and moved its adoption.

House Amendment “C” (H-566) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to revise the school age law so that veterans who have served in the Armed Forces, on their return, and who are then over the existing legal age for attending high school may return to high school and finish their high school education.

Thereupon, House Amendment “C” was adopted.

Mr. Millett of Dixmont offered House Amendment “D” and moved its adoption.

House Amendment “D” (H-581) was read by the Clerk and adopted.

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

Mr. DAM: Mr. Speaker and Members of the House: Last Friday I went over to the Department of Education and I cleared an amendment with them that was prepared and ready to go today. Then when I came in this noon there was a technicality with this, so they are correcting it and I would appreciate it if someone would table this for one day.

Whereupon, on motion of Mr. Lawry of Fairfield, tabled pending passage to be engrossed and tomorrow assigned.

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

SENATE DIVIDED REPORT — Report “A” (6) “Ought to pass” in New Draft — Report “B” (6) “Ought not to pass” — Committee on Transportation on Bill “An Act to Authorize the Issuance of Bonds in the Amount of Five Million Dollars on Behalf of the State of

Maine to Resurface Certain Highways” (S. P. 728) (L. D. 2006) — New Draft (S. P. 765) (L. D. 2039) under same title. In Senate, Report “A” accepted and Bill passed to be engrossed.

Tabled — February 25, by Mrs. McCormick of Union.

Pending — Motion of Mr. Lee of Albion to accept Report “B” in non-concurrence.

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

Mr. PORTER: Mr. Speaker, Ladies and Gentlemen: At the request of the sponsor of this bill, I have prepared an amendment which cuts the bond issue down from twenty years to five. In order for that amendment to be before the House we will have to kill the present motion. I simply report this for your consideration.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I would like to explain this bill just a little bit, since I signed it, that when I first heard it I was distinctly against it, and the more that I heard it I have begun to see the good points to it.

Now one of the best programs that the Highway Commission has ever done is this so-called skinny-mix program which you can see all over your state. And the state is now divided in seven districts and there are seven district engineers, and this bill is asking for a \$5 million bond issue which would be divided equally into seven parts, with each district receiving \$714,285 apiece.

Now whether this bill is passed or not this year, in this same resurfacing program, the Highway Commission has set aside and will spend a million dollars plus.

Last year they skinny mixed 535 miles at a cost of \$1.8 million, and they also resurfaced 182 miles at a cost of \$500,000. And the reason for the extra cost for the 182 miles was because the mixture was placed thicker on the road than the skinny mix was in the 535 mile detail. This gave 717 miles that they did last year in the state at a cost of \$3.3 million and it was

all out of maintenance money that was set up in the first part of the 105th Legislature.

Now there are 3,700 miles of state highway, and at the present rate that we are rebuilding state highways we will rebuild it at the end of 93 years. That is what it will take to rebuild the 3,700 miles of state highway. There is also 10,000 miles of road besides.

Now this \$5 million bond issue has been heard so that each legislator, as he had a chance and chose to, came to the hearings for each one of the districts that he represented of the seven and they were told that this \$5 million bond issue will resurface 1,035 miles. Now this is besides what the state is going to do anyway, which they assume will be 515 miles this year at the estimate of a million- plus.

So theory is, if the program was so good, and at last finally there is one thing that I have never heard anybody in this state find any fault with, it is this program. I think it bears a little consideration of all you folks.

Now you will be told that this program is bad because it is taking bonding money for maintenance. And that is one reason why the bond in the original bill said for 20 years, and that is why we would like to have you vote against the motion on the floor at the present time, so that we could put in the other part of the bill and change the bond issue to 5 years instead of 20, which is the life of what the skinny-mix program will probably do.

Is this program so bad? I can remember 1966 when I came down here for the first time, and coming down the Interstate it seemed to be that they had a lot of frost heaves. And then, sure enough, all summer long it was rebuild and rebuild and rebuild. But I wonder what they paid for it with. Did they pay for it with maintenance money? I understand they didn't. I understand they paid for it with the 90-10 money that they built out of to start with.

I will bet you folks rode over a piece of road this summer right between here and Waterville, 45 miles an hour, and I would also bet you that was built out of our

money too, and it is a resurfacing job.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: You will notice that I also vote, "ought not to pass" on this bill. My reasoning at the time was that I couldn't see borrowing money, paying for it over a period of 20 years for a job that is going to be all worn out in five.

I have maintained right along that I don't believe we should bond for maintenance and this is what this work is. I go along with Mr. McNally, the idea is good that the work being done is the best that has ever been done to our state highways but I still believe that this should be paid for out of current income which as maintenance has always been and there is some talk about reducing the bond issue from 20 to 5. But if you reduce it from 20 to 5, that is \$5 million for five years, and, of course, that is a million dollars a year which, if the state wants to pay for it that way it is fine too because you will be actually paying for it as you go, like you should.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: There are several reasons why this would be a good thing for the state. There are several more good reasons why it would not.

This program of resurfacing, what we call the skinny mix, was set up 2 years ago, the state resurfaced about 500 miles of road. Last year it was plus 700 miles of road, and their plans this year are somewhere between five and 700 miles. They have further plans of working this up to as near a thousand miles each year as funds will allow.

Now, to bond the State of Maine for five years or any other length of time for this kind of program, in my opinion is deficit spending. I think there is a better way. I think there is some way that we could find the money through more of a current service program, if we want to go into this; to go ahead and issue bonds we would be setting this program ahead just one

year. This year we would do about 500 miles of road, next year approximately 500, whatever the \$5 million would do and we don't know exactly what the cost is going to be either this year or next. This is a program that has been widely accepted by the people, it is a program that has improved the sections of road that have been surfaced.

The highway program in Maine is put together by a group of professional highway people. We have professionals, whether some people think so or not, in our department that know what they are doing when they put together a highway program. They have never approved, and the legislature has never approved, to my knowledge, of bonding the state for current services or maintenance programs in our highway system. And to do this now, in a program that will generate no federal funds, and we have in November of this year a bond issue to be voted on by the people of \$10.3 million, that has many long range construction programs that are very much needed by the state, that will generate millions of dollars in federal funds.

Now, I don't believe that the people in Maine will accept two highway bond issues in any one year and it is up to us here to decide what we want to put before the people, whether we want to put before the people a bond issue for deficit spending, for a program that will only last two to five years, then have it to pay for at the end of five years or whether we want to go ahead with our long range program of bonding as we have always done.

And I hope, no matter how good the program is, how well the people in this House would like to go back in an election year and tell the people, "Well, I have accomplished something for your town," even though we have got to pay for it in five years. I hope you will think it over very seriously and see whether we want to set precedent of issuing bond issues for this kind of spending or whether we want to continue in our long range program of highway bonding as we have done in the past and

this is exactly what I oppose and I hope you will vote your conscience on this but I hope that we will continue with a program that I think is best for the state.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, at times I have been one of those who has been critical of the highway program, and this, I will admit, is partially for selfish reasons because the people in my necks of the woods sometimes are dissatisfied with the lack of work that is done, on Route 1 especially.

Therefore, I took considerable interest in this bill when it came along and I accompanied my good friend, the gentleman from Brooks, Mr. Wood, over to the Highway Commission office about a week or so ago and asked a few questions. Now although I had been very much in favor of the bill, initially, and the prospect of turning some more money back into a resurfacing job for many roads that will not get reconstruction in the next few years.

I was very much impressed and very much swayed by the arguments that were given against the idea of bonding over a 20-year period for improvements that will probably be worn out in five. And I think that the bond over that 20-year period would in fact be a very unfortunate thing for us to do. I don't think it would be the soundest of all fiscal judgment. As most of you know, I am somewhat of a fiscal conservative on these matters and I take a dim view of setting that kind of a precedent for maintenance service.

However, we have got a rather difficult problem here in the State of Maine and that is that we have many thousands of miles of road and only a limited highway fund. We cannot complete all the reconstruction and improvements in the short period of time that really need to be done.

Therefore, it seems to me that we ought to find some way that we could catch up with some of the work that is lacking and see if we could find some way to stretch

our meager financial resources over as many miles of highway as we can do without seriously destroying the quality of work. Now, this skinny-mix program has worked very successfully in the past, it is a very good surfacing job and it is really a step above maintenance work and a step below reconstruction. So you are not talking strictly about maintenance.

There are some places where this program has been used that has, in effect, completely changed the quality of the road surface from merely a cow path to a very substantially good surface, and one of these I know is Route 141 from Belfast out towards Swanville. I have an uncle who owns property on Swan Lake and I travel over this road many times during the summer. And I was just amazed at the quality of work that this new surface provided.

Now, I think that we ought to consider Mr. Porter's amendment when this bill is finally passed, because to bond it over a five year period rather than a 20 year period will accomplish two things. One, it will eliminate the problem that we would be paying for a dead horse, that we would be paying for 15 years what was destroyed in five or what was useless after five. And another thing it would do, it would reduce the interest rate.

I got some information from the State Treasurer's office and I was told that the total interest rate over a period of 20 years would be probably in the vicinity of 4.6 or 4.7 per cent. However, over a period of five years, it would only be about 3.6 per cent or a reduction of 1 or 1.1 per cent, which would be a considerable saving to the people should we decide to go this route.

Another argument that has been given is the fact that this would not give us any 90-10 federal matching funds. Well, 90-10 federal matching funds for highway construction or for any other project is always very tantalizing but the fact remains that although it allows you to stretch the usefulness of your money, you still have to pay the same amount of money

out of your local resources. So you aren't saving anything. You are only stretching funds that you might or might not get a little bit further, which of course, is very useful and is one way that we can get money back from the state. However, it must be pointed out that presently in the biennium, approximately 40 miles of roadway is scheduled for reconstruction.

As Mr. McNally pointed out, this bond issue would make it possible to resurface 1,035 miles. To compare improvements on 1,035 miles of road with 40 miles of reconstruction, obviously shows you where the most benefit is going to be accomplished. Now, I am not saying that this \$5 million would go to 40 miles of reconstruction, but the point is that for the same amount of money, using this type of a program, you can surface many more roads, many more people, than you would under the present system.

And I certainly hope you will consider voting against the pending motion, passing the bill, amending it, and giving the people in various parts of the State of Maine, a real opportunity to have needed improvements done in their highway systems in their areas.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I don't think I have ever opposed on any highway matters. The House Chairman of the Highway Commission, the gentleman from Brooks, Mr. Wood, and every member of this House also knows my personal feelings towards Chairman Dave Stevens, of the Highway Commission for his honesty and complete integrity of character.

I must make comment, however, on going into deficit spending. I can remember a few semesters ago presenting an amendment that would call for raiding the surplus account for \$2 million to finance recurring programs insofar as our General Fund is concerned. And I well remember the majority floor leader getting up and calling me, "Chairman of monumental shell games." Well, since that time, believe me, I have picked up a

hell of a lot of company because we have raided the surplus account for the General Fund year in and year out. We have even raided it to pay off bonded indebtedness, to pay the interest on bonds and everything else, and we are raiding it right now at this special session.

The skinny-mix program has worked out very splendidly, particularly for the small towns and particularly for the approaches to the larger communities. We have had such a program that was made a year, two years ago between the beginning of Greene into Winthrop, and it has cut down the accident rate, it has cut down the travel time, still holding the line of speed and certainly comfort.

And my last argument for going along with this bill, so that the Porter amendment, cutting it down to five years can be put on, is because after getting the bond issue in our own community for a bridge, and also nearly \$2 million for approaches and other monies on the highway program, I would consider myself an ingrate if I didn't support this measure.

And for those who have fear of the passage of the two bond issues, I might say this. Sometimes, if you throw more people into the pot, you have more company and you are better received. I think that the measure, as it was, stands improvement. I think the Porter amendment will do just that and I shall support the bill.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: You have to bear in mind that this program as suggested is over and above what the state has already planned for the next two or three years. We are okaying a bond issue for maintenance work but we haven't passed any more tax money for the Highway Department to pay that bill which will cost them an extra million dollars a year. Now where is that million dollars coming from other than reducing other programs, and they only have so much money to work with. And if we ask them to pay a million dollars for this program, they will have to cut down something else.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen: I would just like to remind you that the State of Maine is extremely fortunate in that its bonds and obligations are very highly rated throughout the country and there are never enough of them to satisfy the demands.

I hope you will consider, not only now, but in the future, any change that would affect the rating of the State of Maine.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I just want to correct in the minds of the legislators, one thing. A 90-10 program can be only used for one thing, and that is interstate highways and the program that we are talking about, that this material would be put on, is a 50-50 approximately, really it is a 53-47 but it is fair enough to say it is a 50-50. But no 90-10 money goes anywhere except an Interstate.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think I would have to agree very much with Representative Wood. I think if we get involved in sending out two bond issues at the same time, the people are going to pick and choose between the two of them and we are very apt to kill a major highway bond issue and this could do a great deal of damage to the highway bond program.

I do think there is another approach that can be adequately and sensibly be taken to this. I am not sure of my figures but I do believe that there is a couple or \$3 million in surplus in the highway fund right now. If this were going to be used over a five-year period, I fail to understand any reason why we could not do this at \$1 million a year and allocate — this bill could be amended as an amendment to the highway allocation act. I do believe something of this idea might be worthwhile.

I would very much oppose the bond issue. But if there was some effort to support putting \$1 million a year and taking it out of highway surplus to pay for this, I think I would support it.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Ladies and Gentlemen of the House: I would like to disagree with the two gentlemen who say they feel that this bond issue will hurt the previous bond issue that goes before the people.

The people in my area have said that they are not for bond issues as a whole and especially when they can't see that they are going to get anything from it. Since this one has been in the papers, they feel that in the resurfacing, everyone's going to get some and I think, if anything, it will help the other bond issue.

As for 20 years, if this is put down to five, this will also help, as Mr. Wood said, putting so many out at the present time. We are also passing a University of Maine bond issue which is funded over 20 years. Nobody seems to be opposed to that, to get our children into colleges. I think the least we could do is have a few decent roads to ride on to get them to and from colleges.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this bond issue and I am not doing it selfishly. It is not going to build any roads in Bangor and I think that Mrs. McCormick put her arguments very well before this House. We are having bond issued concerning the university put out to the people of this state, this is one of the arguments that we had here the other day.

I would be more than delighted to support it, whether it had the 20 years or the five years, although I do hope Mr. Porter gets the opportunity to put the amendment on it. This will help the smaller communities and some of us from the cities who have been getting it

all in the past few years, I think we could show our appreciation by helping these folks here today.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I don't want to sound facetious, but I might comment to the gentleman from East Millinocket that I would hope and I would think that when he rose I thought that he would be one of the first ones to herald this as a good deal because it is going to help his bond issue that I voted for, the University of Maine bond issue, because he might need a hell of a lot more help on that one than he will on his other one.

The SPEAKER: The gentleman will watch his language before this House.

The Chair recognizes the gentleman from Alton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, Members of the House: I would like to say just a few words on this bond issue myself.

Even though I was one of the signers of the "ought to pass" report, I did it with reservations. And my only reason for doing that was to allow the bill to come in and get fully discussed before the members of the House. I do have some very serious reservations on the program. For instance, this resurfacing program would require a great deal of additional work to be done on the shoulders to bring them up to the grade of the resurfacing and I find that the funds for this work, on the shoulders, would have to be provided from the State Aid Maintenance Fund. This would mean that the money would have to be diverted from other maintenance work which could be of much more importance.

Also on a program of this size, which would be approximately 1,000 miles, give or take a few, there are bound to be some areas that would be resurfaced that are definitely not suited for this program at this time, such as sections with unsuitable base material, inadequate drainage and hazardous locations that should have corrections in line and grade roads. There is one particular section that

is scheduled which contains ten and two tenths miles that is scheduled for this resurfacing program. And I got to be very familiar with that stretch of road and it definitely is not ready for resurfacing.

There is one particular area there, there are three very dangerous hazards to this particular stretch of road which should be removed. I can only assume from seeing the road that is being considered in my area, for instance I can only assume that there must be many others that are in just as bad a shape as that one is.

Of course the biggest problem with this proposal is that we won't be paying for a dead horse long after the critter has been buried. We will be faced with a need again and again to resurface or reconstruct these roads. The average life of a resurfacing program is about three to five years, although the amendment that is to be presented would more or less take some of the punch out of this suggestion.

I think, ladies and gentlemen, that those are my main reasons for being so opposed to this program, and I think that we should go along with the acceptance of Report "B".

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I too would like to urge the acceptance of Report "B". I am sorry that I am of an age group that can remember back when the Highway Department was just riddled with politics. It was pretty much a pork barrel deal and it was only after much effort over a long period that politics were removed from the Highway Department, and I look on this piece of legislation that is before us here today as an infringement on a staff that has been highly professional and ethical, and I just have to believe that it would be a serious mistake for this Legislature to get involved in what the Legislature has stayed out of over a great number of years now, and very advisedly I would say.

I would hope that we would accept Report "B" and kill this

legislation.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: I suppose being from the construction industry, we might call it, I should be in favor of a program like this which would give an additional \$5 million from the highway program to spend. But I am not in favor of it. I don't do any hot topping. I am not connected with it in any way in this program. But it seems to me that you are attempting to do here something that is going to be done anyway. It is desirable in my mind for the Highway Commission to increase their capacity each year in doing this. They are doing it anyway, they are phasing out the tarring program and using this.

This is a beautiful program. I really like it and I would like to see everybody in the area be covered in one year, but it can't be done, in an orderly process it will be done. All I will do is say that if we bonded for even the five years, get it for 3½ percent, your interest would be \$165,000 a year, the payment would be a million dollars a year over five years. This million dollars a year will be spent to pay off for one year when we should be getting it the next year anyway. And we would be getting it the next year. The Legislature has the right to put it in the highway allocation bill to finance this, which we did this year in certain quantity.

And I would remind you that in the regular session our highway allocation bill was \$121,352,393. Now the Highway Committee worked long and hard. They even reduced this in the area of \$190 million to get it down where we could see and live with it and bond only \$10 million.

I am not in favor of this legislation and I hope you will not pass it.

Mr. Birt of East Millinocket requested a roll call.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and

voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that the House Accept Report "B" "Ought not to pass" on Bill "An Act to Authorize the Issuance of Bonds in the Amount of Five Million Dollars on Behalf of the State of Maine to Resurface Certain Highways," Senate Paper 728, L. D. 2006. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Bourgoin, Bragdon, Brown, Bustin, Call, Carrier, Carter, Clark, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Farrington, Finemore, Fraser, Gagnon, Gauthier, Genest, Gill Good, Goodwin, Hall, Hancock, Hardy, Haskell, Herrick, Hewes, Jutras, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Littlefield, Lucas, Lund, Lynch, Maddox, Mahany, Marsh, Marstaller, M a r t i n, McCloskey, McTeague, Mills, Morrell, Mosher, Murchison, Murray, O'Brien, Parks, Pratt, Rand, Rocheleau, Rollins, Ross, Santoro, S c o t t, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, D. M.; Susi, Tanguay, Theriault, Trask, Tyndale, Vincent, Wheeler, White, Whitzell, Wight, Wood, M. E.; Woodbury.

NAY — Brawn, Bunker, Carey, Churchill, Dow, Doyle, D y a r, Emery, D. F.; Emery, E. M.; Fec-teau, Hawkens, Hayes, Henry, Jalbert, Kelleher, MacLeod, Manchester, McCormick, McNally, Millett, Norris, Orestis, Porter, Shaw, Shute, Smith, E. H.; Stillings, Whitson, Williams, Wood, M. W.

ABSENT — Bedard, Bernier, Binnette, Crosby, Drigotas, Dudley,

Evans, Faucher, H o d g d o n, Immonen, Lessard, Lizotte, McKinnon, Page, Payson, Pontbriand, Sheltra, Webber.

Yes, 102; No, 30; Absent, 18.

The SPEAKER: One hundred two having voted in the affirmative and thirty in the negative, with eighteen being absent, Report "B" is accepted in non-concurrence.

Sent up for concurrence.

Mr. Bustin of Augusta was granted unanimous consent to address the House.

Mr. BUSTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise under unanimous consent to address you and offer an invitation in my capacity as President of the Augusta Regional Church Housing Corporation. This corporation was founded in 1969 and is made up of a number of Augusta area churches who formed a nonprofit group for the purpose of developing low cost housing in this area.

Last week some of you may have noticed in the Kennebec Journal a picture of modular housing units being moved into this city. This is the first fruit of three years of labor by unpaid members of this corporation. The project will consist of 30 two-bedroom apartments. They were built by new industry in Maine, the New England Homes Corporation out of Biddeford. They are assembled down there in boxes and transported over the roads to Augusta.

The project is financed by the new Maine Housing Authority. This project is on lower Sewall Street in Augusta and I invite the members of this House to go over and look at these units in case they might be interested in helping initiate housing in their own communities.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.