

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

**Index**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Wednesday, March 1, 1972

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

Prayer by the Rev. Mr. William Dunstan of Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate:

Communication from University of Maine at Orono re Maine State Government Internship Program 1971 Annual Report (S. P. 771)

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

**Non-Concurrent Matter**

Bill "An Act relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974) on which the House voted to insist on February 29 on its former action whereby Minority Report "A" of the Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A" was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A".

Came from the Senate with that body voting to insist on its former action whereby Minority Report "B" was accepted and the Bill referred to the 106th Legislature in non-concurrence, and asking for a Committee of Conference.

In the House: On motion of Mr. Haskell of Houlton, the House voted to further insist and join in a Committee of Conference.

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

Messrs. HASKELL of Houlton  
MARSTALLER  
of Freeport  
CAREY of Waterville

**Orders**

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

WHEREAS, the sport of snowmobiling is one of the newest and fastest growing forms of outdoor recreation during the winter in Maine; and

WHEREAS, this Legislature and Maine's citizens have an increasing concern for our environment; and

WHEREAS, this Legislature desires to encourage this new sport and it also desires to adequately protect the rights of property owners, non-snowmobilers and our natural resources; and

WHEREAS, if properly provided for, the sport of snowmobiling can be an increasingly healthful, enjoyable family-type activity; now, therefore, be it

ORDERED, the Senate concurring, that a Special Interim Study Committee be created consisting of 2 members of the Senate, to be appointed by the President, 4 members of the House of Representatives, to be appointed by the Speaker, and 6 other members as follows: the present President and Past President of the Maine State Snowmobile Association, the Snowmobile Coordinator of the Park and Recreation Commission, the Director of Snowmobile Registration and the Deputy Chief Warden of the Warden Service, Department of Inland Fisheries and Game, and a legal counsellor of the Maine Municipal Association to study the sport of snowmobiling as it applies to the State of Maine for the purpose of determining necessary and possible improvements. Such study shall include, but not be limited to, the operation, regulation and licensing in this and other jurisdictions, costs and other factors which may lead to general improvement and control of the sport; and be it further

ORDERED, that the members of the Committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that the Committee shall have authority to employ such professional and clerical assistance as it deems necessary within the limits of funds provided; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$2,000 to carry out the purposes of this Order; and be it further

ORDERED, that a report of such study, together with legislation to implement any recommendations deemed necessary, be made to the 106th Legislature. (H. P. 1598).

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

Mr. Kelley of Southport presented the following Joint Order and moved its passage:

WHEREAS, the Redskins of Wiscasset High School are the winners of the 1972 Western Maine Class D Basketball Championship; and

WHEREAS, this spirited group of courageous young men have demonstrated a style of sportsmanship and skill only possessed by champions; and

WHEREAS, the Towns of Alna, Dresden, Edgecomb, Westport and Wiscasset can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 105th Maine Legislature now assembled in special session, take this opportunity to commend the Redskins of Wiscasset High School and coach, Loren Sibley for winning the Western Maine Class D Basketball Championship for 1972 and wish them continued success in the field of sports; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the respective towns, principal and coach of Wiscasset High School in honor of the occasion. (H. P. 1599)

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

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

WHEREAS, Wesley Ridlon of Portland was named "Policeman of the Year" by the editors of Parade Magazine and the International Association of Chiefs of Police; and

WHEREAS, Wesley Ridlon received this coveted award as a

result of his outstanding service as a school-police liaison officer in the Portland public schools; and

WHEREAS, Wesley Ridlon's service has brought great honor and recognition to the City of Portland Police Department and the State of Maine; now, therefore, be it

ORDERED, the Senate concurring that We, the Members of the 105th Legislature, now assembled in the First Special Session, do hereby recognize and congratulate Officer Wesley Ridlon for his outstanding achievement and wish him continued success in his work with the youth of our State; and be it further

ORDERED, that a duly attested copy of this Order be presented to Officer Ridlon as a token of the sentiments expressed herein. (H. P. 1601)

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

The SPEAKER: The Speaker is delighted to recognize in the gallery this morning the recipient of this order that has been presented and we feel honored to have Wesley Ridlon, Policeman of the Year, with us in the House chambers today.

I am sure you are all familiar with the outstanding work done by this officer of the Portland Police Force. Project plans allowing Mr. Ridlon to serve as a school-police liaison officer were prepared and submitted by the Maine Highway Safety Committee to the United States Department of Transportation in Washington. Matching funds then became available to implement this comprehensive safety program for the benefit of 18,000 Portland school children.

As liaison officer, Mr. Ridlon now teaches traffic safety programs and discusses problems relating to drug abuse within the school system. During the last two years, Mr. Ridlon presented lectures and demonstrations relating to traffic and bicycle safety and drug abuse programs to 457 groups, an estimated audience of more than 43,000 people. This will be a matter of the records of this Legislature, and the gentleman that we are

referring to is standing now in the gallery.

Will you give him a good round of applause. (Applause, the Members rising)

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

WHEREAS, the legislative branch of State Government is the principal instrument for the exercise by the people of their constitutional right to govern themselves; and

WHEREAS, the basic structure and procedure under which the Maine Legislature operates has remained largely unchanged since the Constitution was adopted in 1820; and

WHEREAS, during the past 152 years the amount of public funds the Legislature is responsible to raise and appropriate, like its duties and burdens, has multiplied many hundreds of times; and

WHEREAS, the role of the Federal Government has taken significant new paths in recent years which profoundly affect and overshadow virtually all aspects of our Legislature; and

WHEREAS, the Legislature must blueprint a way to reform itself in order to offset or retard the growth of federal power and to fulfill its role as a full partner in our state-federal system; now, therefore, be it

ORDERED, the Senate concurring, that there is created a special interim committee to be composed of 3 members of the Senate, to be appointed by the President of the Senate; 5 members of the House of Representatives to be appointed by the Speaker of the House and 7 additional members to be appointed by the Governor with the advice and consent of the Executive Council to represent the following areas: Municipal government, county government, industry, labor, agriculture, finance and tourism. Not more than 3 legislators from the House nor 2 legislators from the Senate shall be of the same party on the Committee and the Committee shall elect a chairman who shall serve as such at the pleasure of the Committee. It shall be the

purpose of the Committee, among any others, to make such studies and evaluation of the structure, functions and responsibilities of the Maine Legislature as it considers necessary, to review and make recommendations on any changes in the numerical size of the Legislature, levels of compensation for Legislators, legislative staffing and the present and future role of the Maine Legislature in the federal system and all other related matters which will strengthen and improve the legislative process in the State of Maine; and be it further

ORDERED, that the Committee is authorized to accept, at no cost to the State, the research staff and services of Eagleton Institute of Politics at Rutgers University under a grant from the Ford Foundation of \$715,000 to carry out the purposes of this Order; and be it further

ORDERED, that the legislative members of the Committee shall be compensated, within the limits of funds provided, \$20 per day and all reasonable expenses incurred in the performance of duties authorized by the Committee; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall report the results of its study and evaluation with all necessary legislation to implement its recommendations at the regular session of the 106th Legislature. (H. P. 1600)

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

#### Tabled Later in the Day

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

WHEREAS, legislative appropriations have expanded greatly in number and amount in the last decade; and

WHEREAS, periodic review is vitally necessary to prevent further proliferation of programs, personnel and public expenditures; and

WHEREAS, government reorganization can provide needed reform, there are subordinate areas where substantial economies can be realized; and

WHEREAS, the citizens of Maine have come to expect and deserve greater efficiency and economy in state government; now, therefore, be it

ORDERED, the Senate concurring, that the Governmental Operations subcommittee of the Legislative Research Committee is authorized and directed to review, study, analyze and evaluate all appropriations and expenditures from the General Fund for the purpose of developing greater efficiency and economy in state government. Such inquiry shall include, but not be limited to, a critical analysis and assessment of all financial concerns and activities of departments and agencies operating from the General Fund and where assessment reveals duplication in any form, superficial or ineffectual programs, incompetent or excessive personnel or the need for improved service or the achievement of greater economy, the subcommittee may make, subject to the Legislative Research Committee's approval, suggestions and recommendations backed with implementing legislation to thoroughly and effectively carry out the purposes designated herein; and be it further

ORDERED, that the Legislative Finance Office be directed to provide such technical advice and other needed assistance for this study as the committee deems necessary and that the findings and recommendations of the committee be reported at the next regular session of the Legislature.

(On motion of Mr. Donaghy of Lubec, tabled pending passage and later today assigned.)

(Off Record Remarks)

**House Report of Committee  
Divided Report  
Tabled Later in the Day**

Report "A" of the Committee on State Government on Resolution Proposing an Amendment to the Constitution to Abolish the Executive Council and Make

Changes in the Matter of gubernatorial Appointments and Their Confirmation (H. P. 1550) (L. D. 2009) reporting same in a new draft (H. P. 1597) (L. D. 2052) under title of "Resolution Proposing an Amendment to the Constitution to Provide for District Election of Executive Council Members" and that it "Ought to pass"

Report was signed by the following members:

Mr. JOHNSON of Somerset  
— of the Senate.  
Messrs. STILLINGS of Berwick  
MARSTALLER  
of Freeport  
CURTIS of Orono  
DONAGHY of Lubec  
HODGDON of Kittery  
— of the House.

Report "B" of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

Androscoggin  
Mr. CLIFFORD  
of Androscoggin  
Mr. BUSTIN of Augusta  
Mrs. GOODWIN of Bath  
Mr. FARRINGTON  
of Old Orchard Beach  
— of the House.

Report "C" of same Committee on same Resolution reporting that it be referred to the 106th Legislature.

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.  
Messrs. SHAW of Chelsea  
SILVERMAN of Calais  
— of the House.

Reports were read.

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

Mr. SIMPSON: Mr. Speaker, I would move that we accept Report "B".

Thereupon, on motion of Mr. Susi of Pittsfield, tabled pending the motion of Mr. Simpson of Standish to accept Report "B" and later today assigned.

**Third Readers**

**Tabled Later in the Day**  
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)

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

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

Mr. BIRT: Mr. Speaker, I have been working on an amendment on this and it is pretty well along, it is presently down in the Attorney General's office being reviewed, and I would hope that somebody would table this until later in today's session.

Thereupon, on motion of Mr. Susi of Pittsfield, tabled pending passage to be engrossed and later today assigned.

#### Amended Bills

Bill "An Act Implementing the Reorganization of the Department of Finance and Administration" (H. P. 1546) (L. D. 2002)

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

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

Mr. FARRINGTON: Mr. Speaker, I am waiting on some further research to further enlighten this question. I would appreciate it if someone would table this until later in today's session.

Thereupon, on motion of Mr. Parks of Presque Isle, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 768) (L. D. 2047)

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

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

Mr. PORTER: Mr. Speaker and Members of the House: We are swamped with amendments to this Appropriations bill and I keep thinking of ten dollars a page for the legislative record. I know that

there is a lot of feeling on these amendments. I know that there is a lot of merit in some of them. I would suggest that this bill be tabled until later in today's session. I would suggest that the Appropriations Committee meet and review these amendments and come back this afternoon with suggestions for us.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and later today assigned.

#### Orders of the Day

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

Bill "An Act relating to Guarantees by the State Industrial Building Authority" (S. P. 706) (L. D. 1887) — In Senate, passed to be engrossed as amended by Senate Amendment "B" (S-361) — In House, Senate Amendment "B" adopted.

Tabled — February 29, by Mr. Emery of Rockland.

Pending — Passage to be engrossed.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I think that I ought to apologize in advance for a rather lengthy presentation that I am about to make. Nevertheless, I feel that the information that I am going to read into the record and the subject matter that I am going to speak to is of sufficient importance to take the necessary time in this body. I hope that you will forgive me for imposing upon your patience.

During the past several years, the Maine Industrial Building Authority has become one of the most controversial agencies in State Government. It has come under attack from the public, the press, the Legislature, campaigning candidates, and even from other agencies in government. It has been condemned for the things that it has been doing right and praised for the things it has been doing wrong. Its function and purpose — the stimulation of the State's economy by insuring loans made to fledgling

industries trying to establish themselves in Maine has been completely lost in the tempest and the uproar surrounding the defaulted loan to the Maine Sugar Industries in Easton, and its credibility has been seriously damaged by the political ramifications of that unfortunate affair. Investigations into the affairs of MIBA have been conducted, and others have been promised. The facts uncovered and the conclusions drawn have been subject to various interpretations, depending upon one's political affiliation; but, to date, no useful solution to any of MIBA's problems has yet been implemented.

There have been no winners in this running controversy over MIBA, but there have been several losers. The taxpayers of Maine have lost, because defaulted loans have placed an additional burden upon the tax system and show no useful return whatsoever; likewise, uncertainty and controversy do not attract responsible purchasers or tenants for defaulted facilities. The unemployed have lost, because unfulfilled promises of economic security and dashed hopes of financial independence do not put food on the table or money in the bank. Maine industry has lost, because much-needed State guarantees are difficult to get, and industries so insured are looked upon as suspect by a wary public whose confidence in MIBA and the concept of State guaranteed loans is on the wane.

It is this loss of credibility and the accompanying dissention over State guaranteed loans to industry that concerns me the most. I would be the first to admit that I have grave reservations about the use of the State's revenues to underwrite private loans for any purpose; however, the relatively low level of industrial development in Maine in this technological age is a primary reason for our high level of unemployment, and a major factor in the mass exodus of our youth. Therefore, I recognize the need for the MIBA, and the importance of giving industry and its economic benefits a much-needed shot in the arm.

It is, however, quite evident that something is amiss with the MIBA,

and moreover, that unless the Legislature is able to diagnose its particular ailments and then to prescribe a cure, the Maine Industrial Building Authority may well die a painful and agonizing death, cheered by many and mourned by few, save a handful who recognized its potential good but who were powerless to help in its hour of need.

Some unanswered questions and the confusing set of circumstances surrounding the defaulted Maine Shipbuilding Industry loan in Rockland stimulated my interest in the MIBA, and for several months I have been gathering information relative to that project, the operations of MIBA, and the history of other MIBA loans throughout the state. As it is with most educational experiences, I found that some of my original ideas and beliefs relative to the operation, performance, and structure of the MIBA were not entirely accurate, that some of my original prejudices were shaded by lack of information, and that it is these missing pieces of the puzzle that lead one to the heart of the problem, and to possible solutions.

I have found three areas of concern that, to my way of thinking, have contributed to the overall problem with MIBA. The first consists of powers and responsibilities that the Board does not currently have; the second stems from its relationship with the Department of Economic Development; and the third is the presence of unhealthy and detrimental influences that prevent the MIBA from functioning as it would prefer. I will explain each of these items in turn, but first, I would like to digress, in order to provide an example, a case in point to refer to as I discuss these three aspects.

I will now give you an account of the default of the Maine Shipbuilding Industries project in Rockland, and the circumstances that presently exist.

Back in 1966, the Department of Economic Development received an inquiry from one Theodore Lang of New York relative to a possible location along the Maine coast suitable for the manufacture of fiberglass boats, for both commer-



cial and pleasure use, in the 25 to 40-foot range. The DED referred him to several businessmen in the Rockland area that, in their opinion, might be interested in such a venture. They were. The Knox General Corporation was established to handle the financing, and approximately \$43,000 worth of bonds were sold at \$50 each, to the residents of the coastal area, who were anxious to aid in the industrial development of the community. Lang, himself initially invested about the same amount in the project. More money was needed, and eventually the Maine National Bank agreed to loan Knox General \$528,000, provided that the bank's investment was insured. Maine National Bank and the Knox General Corporation presented their case to the Maine Industrial Building Authority, and the board agreed to underwrite the loan to the tune of \$528,000. The bank suggested that more working capital was needed, over and above what was necessary for the purchase of land and equipment, and the construction of the building. A sale of stock was proposed, and by the spring of 1969, the Securities and Exchange Commission had approved the transaction. However, for several reasons, one of which was a bearish stock market, the sale was cancelled as a poor risk at the time. Had the sale been completed, 500,000 shares at \$1 apiece would have garnered a half a million dollars, bringing the available working capital to approximately \$700,000. The huge building in which the ships were to be made was completed in July of 1969. The first payment to MIBA, \$8100, was due that month as well. The available working capital at this juncture was in the vicinity of \$200,000.

Mr. Lang had planned to build three different models — 27, 31 and 37 feet, respectively, in length. The 27-foot model was perfected and ready for mass production, and there was a ready market for it in the summer and fall of 1969. Had he ignored the two larger models for the time being and concentrated his efforts in producing this proven design, in

the opinion of the Maine National Bank and the MIBA, he would have established a positive cash flow, a profit, and would have slowly built up his working capital reserve. However, against this sound advice, he continued to invest large sums of capital in perfecting and producing the 31 and 37-foot models as well. To a large degree, he was unsuccessful. Maine Shipbuilding has a negative cash flow — no net profit — and he was forced to pay wages and MIBA payments out of the working capital, which began to deplete rapidly. By January of 1970, the total in reserve was down to about \$50,000, with still no positive cash flow. Had Mr. Lang reversed his decision at this time, and reverted to the manufacture of the smaller model, he still might have saved the company; instead, he invested in more molds, and he purchased a piece of land across the street from the factory that was not even remotely related to the immediate needs of the firm. That spring, with the working capital all but gone, the work force was cut back, production was cut sharply, and Lang began to meet payments out of his own pocket. The first default occurred in October of 1970, and the taxpayers have been reimbursing the Maine National Bank at a rate of \$8100 a month ever since.

By the spring of 1971, while we were here in regular session, strange events were unfolding. Bit-by-bit and piece-by-piece, materials and equipment were being removed from the facility and were being transported to Canada. Residents of the South Main Street — Mechanic Street area of Rockland began to notice unusual traffic during the night, and several complained that trailer trucks were keeping them awake. During the last of June, it was discovered that Mr. Lang had absconded with the greater part of the removable capital assets, and was safely in Canada. The bank immediately foreclosed, and the Sheriff locked the doors and posted a 24-hour guard. The cost to the State has been approximately \$12,000 per month since last July — for a total

of more than \$90,000. The MIBA bought the plant, along with all associated property, on September 1st of last year, for \$320,000. Since that time, it has been for sale; and a proposed sale to a Florida businessman comprises the second part of this story.

During the month of September of last year, negotiations were initiated with a Mr. Lynn R. Akers, president of Worldwide Marine, Limited, of Miami, Florida, who was interested in the Rockland plant for the construction of wooden trawler-yachts. He was initially introduced to the DED by one Mr. John W. Bullard of Camden, who had come into contact with Akers at a boat show. On the 14th of October, after having visited the plant in person, Akers discussed the facility and his possible interest in it with the Manager of the MIBA, Mr. Roderic C. O'Connor, and others. The purchase price was casually discussed, and apparently, Akers was led to believe that MIBA would sell the facility for \$320,000 cash. During the week that followed, O'Connor requested that all future negotiations be submitted in writing, and that no verbal remarks would be binding. He also stated that the figure of \$320,000 was not intended as a proposal, and that Akers had mistaken their informal discussion for a concrete proposal. On the 29th of October, Akers submitted his offer in writing to MIBA, an offer that Akers has continued to refer to as his second. That offer contained the following provisions: (1) that the sale price would be \$320,000; (2) that the offer would be contingent upon a \$250,000 working capital loan, to be financed by MIBA or another agency of the State or Federal government; (3) that the city of Rockland finance the construction of a marine railway and such alterations as might be required in the building itself, at a cost of 50 to 100 thousand dollars; and (4) that the sale price include all of the equipment and personal property presently in the facility.

At the MIBA board meeting of November 3rd, it was voted to take

no action on that offer, but to continue negotiations. The following is an excerpt from the official minutes of that meeting relative to the discussion of the negotiations with Worldwide Marine:

"Manager reviewed the situation at Maine Shipbuilding, and reported briefly on a proposal presented by a Florida organization desirous of acquiring the facilities at Rockland, and using the same for the construction of oceangoing, luxury, wooden, trawler yachts, as well as, wooden fishing vessels for renovation of the Maine fishing fleet.

Manager stated that the proposal appeared wholly unsatisfactory to him, and that he had countered with an offer that would realize something like the appraised value of the property for the Authority, and that a further proposal made by the Florida group, while improved in some ways, appeared little, if any more satisfactory than the first, and that at a meeting tomorrow they would be informed of this, and that, hopefully, something in the way of a realistic offer might be forthcoming. He reported that a professional appraisal of the real estate gave a fair market value to the property of \$585,000, and that in addition there is considerable machinery and equipment, boat molds and other items that are, or hopefully will be available soon for sale with the plant.

The balance of the insured loan is presently in the vicinity of \$490,000 and the Authority has already made payment on the default in excess of \$100,000, and, of course, there is substantial continuing expense to be carried by the Authority for maintenance and safeguarding of the property. There was brief discussion of the loan and the proposed offer.

Commissioner Keefe asked if a letter from the Florida firm dated October 29, 1971 had gone to all the Members. The answer was no, and Commissioner Keefe asked to read the letter. It appeared that several items in the proposal were entirely beyond the province of the Authority. It was pointed out that the Authority could not guarantee

working capital loans, and that as yet there was no way of knowing whether a further loan could be obtained with SBA or other assistance.

It was pointed out by Commissioner Keefe that a considerable portion of the site, something like half, would not be needed by the Florida firm, and could be sold to others to the advantage of the community and its economy, and that there were other parties interested in this portion of the site.

It was the consensus that the proposal contained in the letter was unsatisfactory, but that negotiations should continue in the hope that arrangements satisfactory to the Authority could be developed."

A third proposal was made by Worldwide Marine following the November MIBA Board meeting, which was not considered to be substantially more satisfactory than the last previous one. At this point, considerable publicity was given to the three offers, which, in turn, sparked no small amount of discussion and controversy in the Rockland area. Sources close to Akers and the DED were quoted as being unhappy with the conduct of the negotiations; that the proposals made by Worldwide Marine were not being considered seriously, for some un-named reason; and that the primary consideration should be the need for employment in the Rockland area, and not the immediate financial loss to the MIBA resulting from a sale at a reduced purchase price. The result was mass confusion among the citizens of the coastal area, who did not know what to believe.

Negotiations were continued, and several meetings were held with the various interested parties, including Akers of Worldwide Marine; O'Connor and Mr. Carlton Lane of MIBA; Mr. Henry Bouchard, City Manager of Rockland; Commissioner Keefe of the DED; and representatives of the Economic Development Administration, Small Business Administration, and the Maine National Bank. On November 29th, Worldwide Marine presented its 4th

proposal for purchase, which was to be taken up by MIBA at its next meeting scheduled for the 7th of December. During the week that transpired between the offer and the December board meeting, other influences began to surface. Mr. Bullard asked Governor Curtis to intervene and to listen to arguments in favor of the proposed sale from residents of the coastal area. At Bullard's request, a meeting was hastily scheduled for the 6th of December in the Governor's office. Bullard invited several from the area to the meeting, including myself, but I could not attend because of a previous commitment. Bullard was permitted to record the entire meeting on his portable tape recorder, which I heard in its entirety two days later. Present at this meeting were Governor Curtis, MIBA Manager O'Connor, DED Commissioner Keefe, and Mr. Bullard. No one else showed up. O'Connor was asked to explain why MIBA considered the previous offers unsatisfactory, and why no firm selling price had been established. The Governor expressed the wish that the plant be sold, as did Keefe and Bullard. The following note was sent to Manager O'Connor by the Governor on that same day:

"I am most concerned with the vacancy of the former Maine Shipbuilding facility at Rockland and the time that has elapsed since becoming vacant.

Mostly, I am concerned with the confusion that seems to exist over the offers that are being made for the purchase of the plant.

It is my request that the full board fully evaluate these offers and arrive at a decision either to accept or suggest counter proposals that can expedite the reactivation of the plant, offer substantial employment to the area and relieve further obligation on the part of the state.

I have asked Commissioner Keefe, who is my representative in these matters, to convey my concern."

Despite the intercession of the Governor, the MIBA voted the next day to reject the 4th offer, but it did propose a counter offer. The

following is the portion of the Board minutes of December 7th relative to that action:

"The next item on the agenda was the Maine Shipbuilding Corporation plant at Rockland. There was long discussion of the situation where the Authority purchased the property at a sheriff's sale from the bank on September 1, 1971 and since that time has received several proposals from a Florida firm, Worldwide Marine Ltd. headed by a Mr. Lynn Akers. These proposals were made in writing to the Manager, and were discussed with Mr. Akers at several meetings arranged by the DED, at the Manager's home, at the office of the Authority, and at the office of the DED. One of these proposals was read by Commissioner Keefe at the meeting on November 3, and the Authority at that time saw fit to take no action with regard to the proposal.

A new proposal, and accompanying letters, had been sent to the Members on December 3, and this material actually was under discussion at this point. Commissioner Keefe maintained that the Authority had been remiss in not considering all Worldwide Marine offers for acceptance or rejection, and for not having made counter proposals to each of them. He also stated that to his knowledge no other prospective purchasers were in sight, and insisted that if there were others their identify should be made known.

Manager explained that in his judgment, none of the proposals presented by Mr. Akers could be acceptable to the Authority due to the fact that each contained many conditions over which the Authority had no control, whatsoever, including the requirement that all personal property at the plant be delivered to Worldwide Marine, that working capital loans in the amount of \$250,000 and another \$75,000 under certain conditions be made available to that firm, and each carried the statement that all requirements of the proposal must be met.

Chairman Lane stated that at the request of Commissioner Keefe, he and the Manager, with

representatives of SBA, EDA and the bank involved, had met with Mr. Akers at Commissioner Keefe's office on November 23rd, because Mr. Akers had set a deadline of November 24 when all conditions of his latest proposal must be met without change, and that after long discussion, agreement had been reached on arrangements that likely would be acceptable to the Authority, as well as to Mr. Akers. And that soon after Mr. Lane left the meeting, and following an observation by the Manager that even on the agreed upon arrangements the Authority would stand to lose some \$150,000 on the deal, Mr. Akers had impulsively made a cash offer of \$320,000 which was \$150,000 below the purchase price agreed upon on a deferred basis in these arrangements. Thereupon Mr. Akers had been asked by the Manager to put this offer in writing for presentation to the Authority, but it was agreed that all parties present would continue to work on the arrangements agreed upon while Chairman Lane was present.

Manager stated that following this meeting on November 23rd no written proposal was received until December 3rd when the material under discussion had been handed to the Manager for mailing to the Members. At this time the Manager was told of a meeting held at Commissioner Keefe's office on December 2 to which all other parties present at the meeting of November 23 had been invited except Chairman Lane and the Manager.

The consensus appeared to be that the Authority, in order to resolve the controversy over negotiations with Mr. Akers, should accept or reject his offer, and if the latter, put a cash price on the Rockland property owned by the Authority that could be delivered to a responsible buyer.

The following motion was made and duly seconded.

That the Authority accept an offer of \$320,000 cash for premises at Rockland consisting of approximately 16 1-3 acres of land with the buildings situated thereon and all personal property on the premises owned by the Authority."

There followed long discussion on this motion. During this discussion a Mr. John Bullard, who had asked to appear in behalf of the sale of the Rockland project, was ushered into the meeting, introduced and made a presentation in behalf of sale of the project to Worldwide Marine. Mr. Bullard did not say that he represented anyone but himself. He was thanked for his interest and left the meeting.

The motion mentioned above was put to the Members and failed to carry getting only 3 affirmative votes.

Upon motion made and duly seconded, it was voted with Mr. Gardner abstaining:

That the Authority reject the offer of Worldwide Marine Ltd. contained in a letter to the Authority dated November 29, 1971.

Upon motion made and duly seconded, it was voted with Commissioner Keefe abstaining:

That the Authority offer for sale premises at Rockland consisting of some 16 1-3 acres of land and the main building thereon with the machinery and equipment on the premises and owned by the Authority for a cash price of \$385,000 and that this offer be made exclusively to Worldwide Marine Ltd. of Miami, Florida up to noontime on December 15, 1971, at which time the offer would become available to any responsible party."

Following that decision, the Board was severely criticized for not having agreed to Akers' proposal. Articles in the press indicated that MIBA was remiss in that the promise of more than 50 jobs in the Rockland area was vastly more important than the difference of \$65,000 between the proposal and the counterproposal. It was charged that no other offers had been received, and that rejection of this offer was unfounded. On the 9th of December, the following memo was sent by the Governor to Mr. O'Connor:

It has come to my attention that the Maine Industrial Building Authority may be in possession of certain pertinent information concerning the Maine Shipbuilding facility in Rockland which has not

been made available to the Department of Economic Development.

I am referring specifically to names and details of prospective purchasers of this facility.

I hereby direct you to provide Commissioner Keefe with the names and details of all prospective purchasers for this facility that you have in your files."

On the 15th of December, Mr. Akers held a lengthy press conference in Camden, at which he announced that Worldwide Marine could not meet the MIBA counterproposal. He criticized MIBA for its handling of the negotiations, and presented a lucid explanation of his operation, his hopes for the Rockland facility, and he restated his previous proposal, saying, in effect, that he would be interested in the plant when and if MIBA could meet his requirements.

On the day prior to the MIBA board meeting scheduled for January 11th of this year, Mr. Carlton Lane, board chairman, prepared a press release explaining the Board's position on this matter, and he outlined the events that I have mentioned. A copy was distributed to each board member. Commissioner Keefe showed the release to the Governor, who, in turn, interpreted it to indicate that the MIBA was going to reject Akers' offer for a final time; and, further, that that decision had somehow been arrived at without the agreement of the full board. However, on the following day, the Board voted to accept Akers' proposal, reversing its decision of December 7th. The following is from the minutes of the January 11th meeting:

"There followed long discussion of the Maine Shipbuilding Corp. default situation at Rockland. A letter from the Governor had been delivered to each member prior to the start of the meeting. The letter was critical of the propriety of the circulation to the members, for review prior to the meeting, of a statement on the Rockland matter prepared by Chrm. Lane and to be discussed at the meeting. It was apparent that the statement had been given to the Governor and Commr. Keefe stated he had done

so, but, had not given it to the press. Chrm. Lane stated that his object was simply to get the Authority's position on record, that the statement was a history of what had happened prior to this meeting, and had been sent to the members in order that they might be better prepared to discuss it. Chrm. Lane asked if there were any inaccuracies in the statement and Commr. Keefe took exception to several items as being superfluous or open to other interpretation or judgment. Chrm. Lane stated that he would be glad to see the Governor on this matter after the meeting.

There was discussion of Worldwide Marine's latest offer of \$320,000 for the main building, 16 1-3 acres of land, all machinery and equipment, inventory etc. at the site, all to be conveyed by warranty, and the availability of a \$250,000 working capital loan. This was in effect Worldwide Marine's response to the Authority's offer to sell for \$385,000 made at the December 7 meeting.

Manager discussed at some length other possible prospects past and present for the plant and indicated that none has made a definite offer for the plant as yet.

There was discussion of the ownership of the personal property as among the Authority, the bank and the Sheriff of Knox County.

Discussion continued at length with review of the figures applicable to the Authority's obligations and the continuing maintenance of the plant. Also, on how the \$320,000 figure of Worldwide Marine and the \$385,000 figure of the Authority were arrived at, and what other items and conditions each offer and counter offer contained.

It was the consensus that, in view of the publicity given the offering of the plant for sale, and the absence of any offers other than Worldwide Marine's, that the plant be offered to Worldwide Marine at a cash price of \$320,000 for all property owned by the Authority. The terms of this offer and time allowed for acceptance and closing were discussed in detail and concurred in by all members present including Commr. Keefe who made specific sugges-

tions as to the terms and the handling of the release of the vote.

Upon motion made and duly seconded, it was voted, unanimously:

That the Authority hereby offers to sell and convey to Worldwide Marine Limited, Inc., or its nominee, real property consisting of 16 $\frac{1}{3}$  acres of land in Rockland, Maine, formerly owned by Knox General Corporation and designated as Unit #3 in the appraisal, with the main building thereon and machinery and equipment and personal property at this location owned by the Authority, for the total sum of \$320,000. This offer is to be accepted in writing by noon, January 15, 1972, and such acceptance to be accompanied by a deposit of \$25,000 which is to be retained as liquidated damages in the event final closing is not completed by 3/15/72. Conveyance of real property shall be by Quit Claim Deed with covenant. Personal property shall be limited to property owned by the Authority as of this date, a list of which is available and shall be transferred by Bill of Sale without warranty.

It was agreed that the offer voted should be sent by telegram to Worldwide Marine, Ltd. and copies of the wire given to the press."

In a tersely worded letter to Mr. O'Connor dated January 18, the final offer of the MIBA — containing exactly that which Mr. Ackers had wanted — was rejected. The facility now sits vacant in Rockland, costing the taxpayers of Maine nearly \$12,000 a month.

The case that I have just described, is, indeed, complicated and confusing. When broken apart and analysed, however, it yields several important facts and realities from which we can learn, and with which we might correct the most obvious flaws of the MIBA.

The first observation is that the MIBA has very little control over the future of a guaranteed loan once it is made, and, in fact, that the taxpayers are put at the mercy of the management of the business to which the guaranteed loan is made; and that the success of that venture depends almost entirely upon the skill and

judgment of those in charge of management decisions. Poor management, or, more specifically, unwise planning and careless use of working capital was the major reason for the default of the Shipbuilding plant in Rockland, and was also a major factor in the demise of the sugar beet industry in Aroostook County. In Rockland, had Lang only followed the sound advice of his financial advisers — Maine National Bank as well as the MIBA — he might have succeeded in his efforts; however, these suggestions were little more than empty rhetoric for all the good they accomplished while falling upon deaf ears.

It would be well to mention at this point that previous attempts at reducing the possibility of the State backing a poor risk have been aimed at the wrong targets. In reality, the MIBA has a pretty fair batting average, some 58 successes out of 68 guarantees. The 10 defaults have been caused, mainly, by poor managerial decisions on the part of the private concern, and not by faulty judgment of the MIBA. It might be argued that MIBA could have picked poor people to do business with, but rejection on those grounds must be substantiated by a history of the particular applicant in question, indicating that he might be in fact, a poor risk. Evidence and previous records indicate that the MIBA felt that the sugar beet industry might have been a good bet, but that they would have preferred to deal with someone other than Fred Vahlsing, for an example. I have seen a list of exhaustive questions that are asked of each applicant, and I have concluded that, considering the thoroughness of the study done on each, it would be a rare instance, indeed, in which the MIBA would approve a guarantee to a man even remotely considered a potential bad risk due to any documentable evidence.

The other target has been the lending agencies involved. The banks are the target in L. D. 1887, before us now. The theory is, that if the banks were required to assume a portion of the risk, by limiting the state guarantee to, say, 90% of the total loan, then

the banks would be much more careful to whom they lent money, and they would do a much more careful job of policing and screening. The fact is, however, that any venture needing a state guarantee to obtain a loan, is, by definition, a very poor risk in the eyes of the bank; for without that guarantee, they would not touch it. The principle is essentially the same as a case in which a person of modest means wishes to borrow money to buy a car, and the bank requires that some individual of known financial solvency co-sign with him, so that if the borrower is unable to meet a payment, the bank would receive payment from that person instead. To place a 90% limitation on the guarantee would simply dry up all sources of funding for these projects, because no bank is willing to risk, say \$10,000 any more than \$100,000. These facts were pointed out at the public hearing by several prominent bankers, as well as by Mr. Lane, chairman of the MIBA.

The only solution, it would seem, would be to give the MIBA some authority and power to intervene in management decisions of any business venture backed by the taxpayers of Maine, so that it might correct situations that, in the opinion of the Board and of other financial experts, might lead to default of the loan. If the Board, for example, could have stepped into the picture in the spring of 1970, and had insisted that Lang discontinue his production of the larger models that he was building, the operation might have been saved from default.

The second area of concern is the relationship between the MIBA and the Department of Economic Development. For some time, and with considerable skepticism, I have looked upon the often-proposed closer liaison between the DED and the MIBA as a very unwise and unsound move. These two agencies, while on the surface would seem to be ideally matched and suited for such a merger, are actually mutual complements that should be kept separate and autonomous at all costs. I was ready to oppose any such combination had it been included in the reorganiza-

tion bills, brought before us this session, for the following reasons: the DED has a primary responsibility to attract industry into the state; the MIBA, on the other hand, has a definite responsibility to screen those that apply for guaranteed loans in order to determine which are, indeed, reasonable bets for successful operation. In many cases, the DED refers projects to MIBA that are not, in the Board's judgment, worthy of the state's backing. Therefore, a conflict of interests, of sorts, is inherent in the function of each agency, and, as a check and balance, they should be kept separate. The problem that currently exists, however, is not one that can be legislated against. There exists a personality clash or a rivalry between the two agencies. One is easily offended by the other's actions and decisions, a situation that has resulted in much mistrust and suspicion between the agencies. The Commissioner of Economic Development, under the present law, is a voting member of the MIBA Board; the present commissioner, Mr. James Keefe, is on record as opposing several of the majority decisions of MIBA, and his many disagreements with MIBA Manager, Roderic O'Connor, are a matter of record in the MIBA board meeting minutes, as have been documented in this presentation. This is, in my opinion, an unnecessary and unhealthy situation. It might be beneficial to further separate the two agencies by removing the commissioner of Economic Development, whoever he might be, from voting status on the MIBA. This particular suggestion should not be interpreted as criticism of the present commissioner alone, but, rather, as a general observation relating to the proper relationship between the two agencies. If the general public considers the MIBA to be too soft or too quick to approve questionable risks, it must be pointed out that the DED considers it to be too strict; this has always been the traditional criticism of MIBA—that it was too hard-nosed, and not willing enough to take risks to be of much benefit to the economy of the state. In my opinion, such strictness is a needed virtue.

My third, and possibly the most controversial point, is that the MIBA has been subjected to several powerful and detrimental influences, that have forced it to make decisions that it would not have made in the absence of such pressures. Records and subsequent investigations have shown that the MIBA, as I have previously mentioned, would have preferred not to have granted a guaranteed loan to Fred Vahlsing; political pressures, however, induced the Board to stifle their collective misgivings and to approve the guarantee, which ended in an 8 million dollar catastrophe. Rather than dig up the cadavers from this disaster, I will refer to the more recent incidents surrounding the case that I have outlined — those related to the proposed sale of the Maine Shipbuilding facility in Rockland. In this case, the question was not the reputation, or even the abilities and financial record of the potential buyer, Mr. Lynn Akers; it was established to the satisfaction of all that he was exactly what he claimed to be — a businessman with a history of considerable success. The judgment of the Board, however, was that (1) the price that Akers was willing to pay for the facility (\$320,000) was out of line with the loss to the state that the Board was willing to accept; and (2) that the chance that the proposed boat-building operation would be as successful as Akers predicted — he predicted that the plant might eventually employ as many as 120 people — was not good enough to warrant the sale under the conditions that Akers demanded.

I, myself, am somewhat critical of MIBA for not having determined a selling price as soon as the plant was put on the market; and maybe the manager was careless in mentioning a price that he did not intend to stick to. The fact remains, however, that MIBA has the sole responsibility for disposing of the defaulted facilities that it has obtained, at a minimum loss to the State; and that if negotiations do not resolve certain points, such as the matter relative to Akers' request for a state guarantee of a \$250,000 working capital loan, then the Board has no choice



but to reject such an offer. In this situation, the question of immediate financial loss to the State, balanced against the chances of substantial employment in the Rockland area is, indeed, a debatable one. However, that decision should be made by those who are privy to all of the information and statistics available, and that decision, whatever it may be, should under no circumstances be subject to political pressures or to the lobbying efforts of those who might stand to gain politically from a decision one way or another. I want to make it perfectly clear at this point that I am not trying to suggest that Governor Curtis' interest in this matter was stimulated by political considerations. His was a sincere interest in stimulating the economy of the Rockland area, shared by people of both political parties. However, I firmly believe that politicians and political influences, whether they be the governor's or my own, have absolutely no business whatsoever, regardless of good intentions, in the realm of negotiations on financial or business matters, especially when State moneys or State property is involved. I would also add that I have kept scrupulously out of the picture during this entire process, and I have not, at any time, attempted to interject my own feelings or influence anyone's decisions relative to the sale of this facility. This is, in fact, the only statement that I have made on this subject, and it comes after the negotiations have ended.

To be more specific, I would trust the judgment of the MIBA in matters such as these far more than I would trust the Governor's, for no other reason than the MIBA has the facility and, indeed, the responsibility to research applicants and propositions, which it does very thoroughly, and then to render a decision based solely upon its findings. Political influences from a Republican governor and a Democratic senator caused the MIBA to approve the Maine Sugar Industries guarantee against the better judgment of the board, and it ended in failure. Ill-advised publicity emanating from sources close to the DED, and the docu-

mented influences of the Governor caused the MIBA to change its initial decision on the sale of the Rockland plant, and has accomplished nothing more than to preclude the possibility that that facility will ever be sold for more than the \$320,000 figure of the final offer that Akers finally rejected. In my opinion, however, it would be far better for the state to take a loss this way than for the proposed operation to have gone sour, as the MIBA felt that it might, throwing people out of work again, and even further smashing the credibility of the MIBA in the process.

In short, the MIBA must remain free of political influences, and its decisions must not be shaded by outside pressures. The best way to insure responsible and judicious actions from the board is to appoint conscientious, knowledgeable, and experienced men to serve on it in the first place; if that is done, as I believe it has, then there is no need to question the wisdom of its decisions.

Mr. Speaker and ladies and gentlemen, I have prepared three amendments, two of which I will offer in turn. The first, House Amendment "C", affirms the principle of keeping undesirable outside influences out of the decision-making process of the board. You will note that it is not aimed at any specific individual or any specific office, but is intended merely to affirm the principle of separation of powers, as I have outlined.

The second amendment, House Amendment "B", gives the MIBA the authority, by majority vote, to make suggestions to the management of a State-insured operation relative to the proper managerial policies to follow in order to rectify a situation which, in the judgment of the board, would lead to a default and to the ultimate waste of the taxpayer's money.

Although I am somewhat critical of the language presently being used in L. D. 1887, placing a 90% restriction on guarantees, the amendments that I will offer will not affect that in any way.

Thereupon, the same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-606) was read by the Clerk.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: This has been a rather lengthy discourse that I think might well have been heard before the State Government Committee that was responsible for presenting this bill. I would hope that we would have time to read this and find out a little bit more about it. I would ask someone to table this for one day.

Whereupon, on motion of Mr. Emery of Rockland, tabled pending the adoption of House Amendment "B" and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, I would like to inquire if the House is in possession of L. D. 2038.

The SPEAKER: The answer is in the affirmative. An Act to Grant Adult Rights to Persons Eighteen Years of Age, House Paper 1581, L. D. 2038, which was passed to be enacted in the House as of yesterday, is in the possession of the House.

Mr. LIZOTTE: I now move that House reconsider its action of yesterday whereby it voted to enact this bill and I would like to speak to my motion.

The SPEAKER: The gentleman from Biddeford, Mr. Lizotte moves that the House reconsider its action of yesterday whereby it enacted this bill.

The gentleman may proceed.

Mr. LIZOTTE: Mr. Speaker and Ladies and Gentlemen of the House: I will not debate this for long today. I only want to bring your attention to the flyer that I had distributed on your desks yesterday, as you will notice in the original bill in Section 18, Subsection 1951, the penalty, the paragraph for indecent liberties was there but in the redraft that section was taken out. So that this, I must tell you from personal experience.

When I was a young man and attended dances, I was very bashful because I always knew I was a poor dancer. I would be very

reluctant to ask a girl to dance. But if by chance I would have but one cocktail, it didn't take very long that I thought I was another Fred Astaire. My reason for saying is this.

A young man will go out for a long time with a young lady and have all the respect in the world for her. But for some reason, if he has had a few drinks, he seems to have a little less respect, not because he wants to, but for some reason he gets a little braver. Well, now in this bill, we tell him that it is perfectly all right for him to buy and consume alcoholic beverages and then we tell him that if you should fall because of what you drank and take indecent liberties with a young lady, well you are still protected because when it comes to morals you are still a teenager. Believe me, this is definitely wrong, and I am sure that you will all agree with me.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion for reconsideration. I would remind the House that we voted on a roll call yesterday in favor of this bill by 71 to 53 and I am not going to cover any of the ground we covered yesterday.

I noted the comments with regard to the fact that the bill before you did not change the offense of indecent liberties and I am not entirely clear as to the reasoning of the gentleman who made the pending motion. Perhaps we should make it an offense to dance while under the influence of intoxicating liquor. But I think the reason perhaps that the committee came out with a redraft as it did should be mentioned.

The offense of indecent liberties is one that involves an offensive touching of the sexual organs or parts of a female of tender years, by a person who is older. And a few years ago, this offense was defined by having the male having to be over 21 years and the girl had to be under the age of 16. And I would suggest to you that the essence of this offense is the lack of an age of consent on the

part of the female and a substantial age differential on the part of the male.

Now, when the 20-year-old bill was passed, this law was changed so that the age of the male was reduced from 21 to 20. I personally think this was wrong because I think the essential part of this offense is the difference in age between the parties. And this is the reason that the committee did not include this provision, that there is some logic that if you are going to reduce the older age on the part of the male, you should perhaps reduce the age on the part of the female also.

Now, I recognize also that some of the people who opposed this bill yesterday did so on the basis of the reduction in drinking age, and I recognize and respect the viewpoints of those who voted against it on that account. However, I would like to point out to you that this is not a strange and unusual action, that when I was at age 18 and when many of you were at age 18 it was perfectly lawful in the State of Maine to buy, for instance, beer, malt beverages in a package store. So that what we are doing here is not such a radical and unusual thing and as far as malt beverage is concerned we are simply returning the law to what it was about 1950, 1949.

I am not going to try to deal with all the other issues that are involved, there obviously are many, except to ask those who supported the bill yesterday to vote against the motion for reconsideration.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: As you remember, last week, I spoke at some length in favor of adult rights for 18-year-olds. I predicted at that time that the chief objection would probably be the legality to have a drink. I now reiterate that those who want to do this, do it now, but they don't like to feel that they are being a criminal.

I mentioned that my first concern used to be that they would get in trouble financially, but we must remember that elders get in

trouble financially too and the younger people might well be more conscientious, because they must be responsible enough to save for a down payment and then prove the ability to meet the payments to the merchant himself.

It was stated yesterday that they should not be allowed to borrow from a bank. I think that most of us have had experience in borrowing from banks. And I don't believe we need to worry. I have been associated with various banks for many years and it certainly is not easy to borrow without collateral or without a very stable co-signer. There used to be an old adage that a bank would be very happy to lend you money if you could prove that you didn't need it.

The third thing is marrying at 18. Most of these young men do not want to marry at 18, but if one does, why should we discriminate, because girls now can do just that. And I, for one, am not willing to admit the superiority of the opposite sex yet and I hope you vote against the motion to reconsider and I move that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I think one of the most endearing friendships I have made while I have been in the House has been with my colleague, Representative Lizotte. But I feel that I would be remiss in my duty were I not to express my opinion here this morning on this bill.

Actually, the way I look at it is that once a child or a teenager attains the age of 18, the twig has been bent, and when the twig has been bent there is nothing that you can do to change it from here on in.

I think that the fault lies with the parents, they haven't done their job. And I feel that by not having these rights, these children or young adults are only going to rely on their parents to back them up. I think, frankly, it motivates them all the more to want to step out and do wrong because they know they are protected.

Well, to give you another example, we had a church meeting, Holy Trinity Church in our local area, whereby all of the teenagers were summonsed to attend on a Sunday afternoon. At this particular panel discussion, all the legislators were in attendance and we had a panel discussion with these youngsters. And at that time, I was leaning against this bill. When I got home that evening and started to think about it I thought to myself, I said, of the youngsters that were present the majority of them were at the ages between 14 and 16 years of age. Those that could have benefited most from this panel discussion were not present. They didn't care. The only ones that were present were the crusaders that wanted adult rights, and rightly so.

But the point that I am trying to make is that the kids that range in this 18-year-old bracket have already made up their minds, they are going to use this responsibility. As up to now, they have wanted the privileges of adulthood without the responsibilities. I say let us give them these responsibilities, and I think before doing wrong they will think twice because the consequences will rest upon their shoulders and not upon the parents.

Vote against reconsideration.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: Quite simply, I would like to make a few remarks. I hope that you will vote to reconsider this morning. I didn't happen to be in my seat yesterday and I would like to record a vote on this measure and the only way I can do it by reconsideration and then I have a chance to be recorded how I feel on this measure.

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

Mr. BITHER: Mr. Speaker, Members of the House: I fully did not intend to speak on this but since my name was mentioned and it is in the record here, mentioned yesterday by the gentleman from Westbrook, in which he said

I said something last week which I do not remember saying, I don't think I spoke on this at all. Of course, my memory is getting poor. But it says here, "that he would listen to us, but I would not believe him." I don't think that is true at all.

The last gentleman, the one before Mr. Dudley at least, stole most of my thunder because what I wanted to say was this. That I have seen a lot of these 18 and 19-year-old kids go through my school and my classes and I think the ones, if there is any blame anywhere, the ones to blame are the parents, and I think that this is just another example.

I listened very carefully yesterday to all the speaking and it sounded to me just like a convention of parents who were trying to shove off onto this legislature their responsibilities. Now, if you cannot handle your own kids whether the law makes them adults or not, I don't know why we should ask the legislature to do it. We ask the schools to do it, we ask the legislatures to do it.

I firmly believe we should not reconsider, I hope you do not reconsider, we voted this in solidly yesterday. I also think I should speak on this bill because — I think I did last winter and mentioned this same thing probably, that I am one of these kids that got married when they were quite young and I don't think it turned out too badly. I was married at 19. Of course, then the law didn't allow it and I had to run across over to Canada to do it, but I would like to see this made legal so that if I wanted to marry again I wouldn't have to go clear across to Canada.

Mr. Speaker, that happened 49 years ago next September and I hope you do not reconsider this bill.

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

Mr. HEWES: Mr. Speaker, Members of the House: Mention has been made of blaming the parents and the way the twig is bent, as though it is too late at 19 or 20 or 18 to straighten the twig out. I submit that by passing this

bill we are taking control of the children from the parents two years earlier.

As I understand this bill, it emancipates children at their 18th birthday. Presently, they are under their parents' control during their 18th and 19th years. So, it has been said that mighty oaks from little acorns grow. I submit that an oak that is nurtured and guided will grow better in all probability than one that just grows wild. And I think the children need their parental guidance in their adolescent years, and at 18 and 19 they have not had sufficient business experience or financial experience to look out for their own needs properly, in many cases.

And I submit that, for their own protection, we should vote to reconsider this bill.

Mr. Norris of Brewer moved the previous question.

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

A vote of the House was taken, and less than one third of the members present having expressed a desire for the previous question, the motion for the previous question was not entertained.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: It seems as though some of the legislators have been giving a little bit of their personal history, I think maybe I should give a little bit of mine.

I came from a fairly well-to-do family. I didn't have to seek employment when I was a youngster. At the age of 15 I was bored with life, I was bored from not having anything to do, and I was also bored from seeking a weekly allowance, so I went out and I sought a job. I always thought I would like to rent bicycles. I was refused because I was too young. The following week I happened to fish this youngster out of the

ocean. Unbeknownst to me, his father ran a bicycle shop. The next day his father summoned me to talk to me, to reward me. He told me, he said, "What would you like to do?" I said, "I would like to go to work." I said, "I want to earn my own money," and he employed me. This gentleman's name was Harry Cummings, Old Orchard Beach.

The following year a very dear friend of mine, and the mother of this friend, who happens to be Jane Kilroy, sitting in your company today, her youngster, a very successful real estate broker today in the South Portland area, Richard Kilroy, her youngster and I at the age of 16, if my memory serves me right, we became barkers on the Old Orchard Pier. We worked from one o'clock in the afternoon until one o'clock in the morning, and we were very proud of our accomplishment. I think what most everybody needs is pride of accomplishment. And the biggest factor of all was the fact that we were occupied; we didn't have all this free time that most of the youngsters have today.

Now going further into my own family, I have a very fine youngster, as a matter of fact, he is 21 years of age today. At the age of 18 I pushed him to work; I mean, he wasn't a self-starter like his old man was. But once he started working for the First National Store, he came home, he was gratified. It changed his whole outlook on life. And this is the way I see this whole picture.

I think these youngsters have too little to do and too little responsibility, so this is why I am against reconsideration.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am not interested in marriage, and I don't think any law is going to stop that institution. The statistics show now that sixty percent of the women who get married are married by the time they are twenty.

My whole view on this is that yesterday there were 27 absent,

and we are dealing with a matter that affects very intimately, seriously, every family in the State of Maine, to come up here in a special session, after they had thought that this matter had been laid to rest for awhile anyway, to come up here in a special session and to take such a serious step by legislative fiat, it seems to me what we used to call in football a sort of a sneaky play — putting your left end out on the sideline by the crowd and throwing him a quick pass. I said yesterday, I think we should postpone making this decision until a regular session and until we have had more reflection of general public opinion.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Wheeler.

Mrs. WHEELER: Mr. Speaker and Members of the House: As a mother and a grandmother of a teenager, I feel that most of the 18-year-olds have the maturity, understanding and responsibility to avail themselves of the rights proposed in this legislation. We should not deny them these rights. I hope you all vote against reconsideration.

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

Mrs. WHITE: Mr. Speaker and Members of the House: I am one of the signers of the "ought not to pass" report on this bill. With your forbearance, I will read very briefly from a talk which I have heard recently concerning young people and some of their problems, and I quote.

"The most obvious of all general characteristics between 12 and 20 is that a teenager is an amazing bundle of sheer contradictions. He is no longer a child, but not yet an adult. He is not nearly as smart as he thinks he is, but not nearly as dumb as his parents think he is either. When you say to a kid don't and you do, he or she is not so dumb, they understand the hypocrisy."

Teenagers play in a great man's land, fighting for, even demanding full freedoms, but shying away from and seeking to avoid full responsibilities."

Now I have no quarrel and I know that 18 and 19-year-olds have a good deal of intelligence. They have capabilities. They are sophisticated and they are intelligent. This I have no quarrel with whatsoever, but I am reluctant to load them with responsibilities which I feel that some time in the future they may wish they did not have.

I urge you to support the motion to reconsider and then go on and defeat the bill.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Mrs. Lincoln.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Sheltra and this Kilroy boy were barkers under the existing law, which is what we want to keep, so I hope you will vote to reconsider.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen: I regret that I must disagree with my seat-mate, the erudite gentleman from Cape Elizabeth, who spoke earlier on this topic. I served with 18 and 19-year old citizens in the military, in Vietnam and aboard ship. Those soldiers, sailors and airmen were volunteers who served their country. But these men made decisions for themselves overseas and it seems to me a bit ironic that when they return to Maine, the Maine laws treat them as children.

The SPEAKER: The Chair stands corrected and hope you will forgive me. The motion for the previous question did prevail, so the previous question is entertained. The question now before the House is, shall the main question be put now? All in favor will say aye; those opposed will say no.

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

The SPEAKER: The 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 Biddeford, Mr. Lizotte, that the House reconsider its action of yesterday whereby An Act to Grant Adult Rights to Persons Eighteen Years of Age, House Paper 1581, L. D. 2038, was passed to be enacted. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

### ROLL CALL

YEA — Bailey, Baker, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Binnette, Bragdon, Brawn, Bunker, Call, Carrier, Carter, Clark, Cottrell, Curtis, A. P.; Donaghy, Dudley, Emery, E. M.; Evans, Fraser, Good, Haskell, Hawkens, Henley, Hewes, Jutras, Kelley, K. F.; Lawry, Lebel, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, Maddox, Mahany, Marsteller, McCormick, Mosher, Payson, Pratt, Rand, Rocheleau, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Tanguay, Trask, White, Wight, Williams, Woodbury

NAY — Albert, Ault, Berube, Bither, Boudreau, Bustin, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cummings, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Goodwin, Hall, Hancock, Hayes, Herrick, Jalbert, Kelleher, Kelley, P. S.; Kelley, R. P.; Kilroy, Lee, Lesard, Lucas, Lund, MacLeod, Manchester, Marsh, Martin, McKinnon, McNally, McTeague, Millet, Mills, Morrell, Murchison, Murray, Norris, O'Brien, Orestis, Parks, Porter, Rollins, Ross, Shetra, Slane, Smith, D. M.; Smith, E. H.; Stillings, Susi, Theriault, Tyndale, Vincent, Wheeler, Whitzell, Wood, M. W.; Wood, M. E.

ABSENT — Birt, Bourgoin, Brown, Carey, Crosby, Curran, Drigotas, Gill, Hardy, Hodgdon, Immonen, Keyte, McCloskey, Page, Pontoriand, Santoro, Webber, Whitson

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

The SPEAKER: Fifty-nine having voted in the affirmative and seventy-three in the negative, with 18 being absent, the motion does not prevail.

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

On motion of Mr. Porter of Lincoln,

Recessed until two o'clock in the afternoon,

### After Recess 2:00 P.M.

The House was called to order by the Speaker.

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

### Senate Reports of Committees Divided Report

Majority Report of the Committee on County Government on Bill "An Act relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts" (S. P. 712) (L. D. 1986) reporting that it be referred to the 106th Legislature.

Report was signed by the following members:

Messrs. PEABODY of Aroostook  
DANTON of York  
MARTIN of Piscataquis  
— of the Senate.  
Messrs. WIGHT of Presque Isle  
IMMONEN of West Paris  
MILLS of Eastport  
KELLEY of Southport  
HAWKENS of Farmington  
DYAR of Strong  
CHURCHILL of Orland  
PONTBRIAND of Auburn  
BERNIER of Westbrook  
— of the House

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following member:

Mr. KELLEHER of Bangor  
— of the House.

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

amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto.

In the House: Reports were read.

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

Mr. WIGHT: Mr. Speaker, I move the acceptance of the Majority Report and I would like to make a few remarks.

The SPEAKER: The gentleman from Presque Isle, Mr. Wight moves that the House accept the Majority Report reporting that it be referred to the 106th Legislature.

The gentleman may proceed.

Mr. WIGHT: Mr. Speaker and Members of the House: This is a very significant bill for both state and county government. The Chief Justice of the Supreme Judicial Court takes over your court house. I might mention that this was heard on a Tuesday and reported out the following Tuesday, so that perhaps a more complete study was not made of this by the committee in such a short time.

I might review the bill a bit. The Bureau of Public Improvements negotiates, leases, contracts and makes other arrangements, provides suitable quarters, adequate furnishings and equipment for the Supreme and Superior Court. This shall be done under the direction of the Chief Justice and it would require an expanded staff.

If this is not satisfactory in negotiations with the Chief Justice in dealing with the counties. He may build or negotiate for privately owned buildings. All expenses in these courts shall be paid by the State Treasurer.

Now this bill is not to be effective until July 1, 1973. It means that they lease the County Court House, which includes the court rooms, the jury rooms, the judges quarters, the lawyers rooms and the law library. They also would take up the cost of the jurors and the court-appointed defense attorneys.

Now the special committee report on the expenses of the State assuming the cost of the court system for the counties for '73 to '75 that biennium, makes something in the neighborhood of \$3,194,900. Now in this figure there is no

allowance for rents. Now let us consider the rent as they have proposed. From the report on the basis of the corresponding expense for the district court system and considering the difference between the district court and the superior courts, the committee concluded that this rental cost would amount to \$100,000 per year, or \$200,000 in the biennium.

In checking with some of these counties, I might read from the County of Cumberland. "A continuation of the present district court system of disbursing to the counties would benefit Cumberland County and under the state system provisions would be made to reimburse the counties through the lease plan. It is not determined at this time what the actual rent is the State is willing to pay the counties for the use of its facilities. If the amount of rental income is less than the credit shown then the initial cost must be charged off to the municipalities in increased taxes," which means on the property tax.

The approximate rental fee for the State would have to be \$9,000 per month to cover these losses. In quick figuring this is \$108,000 for the Cumberland courts. In Aroostook County there are two courthouses, one in Houlton and one in Caribou. They have taken the dimensions and figure approximately \$4.25 a square foot. For both those courthouses it would be in the neighborhood of \$118,000.

Now with this report as presented, and planning on a \$100,000 rental fee, I think that it is quite impossible to cover this with the estimated budget that they think they will need. Now, what you find, this bill was heard by this committee, it has already been amended twice, and could be certainly further improved. The committee recommends this to be referred to the 106th Legislature and also considered a more complete study by the Research Committee on County Government.

If this bill is enacted, the next legislature is committed to fund it. This bill will cost several million dollars of taxpayers' dollars and will only give them hardware for the courthouses and will not



change much in our judicial system. I hope that you will support this.

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

Mr. KELLEHER: Mr. Speaker, Members of the House: I oppose the motion of my good House chairman from Presque Isle, Mr. Wight, and as you noticed, I was the sole signer of the bill, "ought to pass." And I don't think that there was any member of this legislature any more skeptical of this document than I was when it came in before this House and this bill had gotten a good report from the committee that it was in front of last time, the State Government, and I felt that due to the work load that they had that perhaps our committee should study it, which we did.

We heard an excellent presentation from the County Commissioners why they didn't want it and from the people who did want it. I was opposed to the bill when it came down before the committee.

Senator Tanous submitted an amendment or a suggestion of an amendment to the committee on financing this document and that was to take money out of the District Court funds which amounts to \$2.5 million after they disburse with all their cost, and they had \$2.5 million in their District Court fund to finance this document. It was further amended in the Senate that the monies that were now being received by the counties on abatements back from the District Court that this wouldn't be touched, that these 70-71 figures would remain the same.

In rentals, it would not only be renting the District Courts but it would be the law libraries they would take over, they would take over the operation of the Clerk of Courts, rent the space for the lawyers' retiring room and the funding would be done out of this \$2.5 million.

Now, if there was ever a piece of legislation that was brought before this House to bring some tax relief to the property owners that you people represent, this is the only document of any measure that will help them this session.

Because we all know how County Government is being funded, it is being funded by the property tax owner in your communities. You can look at from a law and order standpoint too.

If you have got, for example, a heavy case load in the town of Brunswick, which was an example used, and the Courthouse was extremely busy, and say over in Sagadahoc County in Bath, that their Court was only used once or twice a year, you could transfer these cases over to Bath, we will say from Brunswick, and you could expedite these trials. Justice could be done. Someone said if you want to relieve the crime rate somewhat in this state, this is a good document to do it with.

The County Commissioners are afraid that it is taking their strength or their control over the Courts. I don't know of any County Commissioners that have any control over the Courts once you go inside those doors; it belongs to the judicial process in this state. I am afraid that perhaps the arguments that they presented down in our committee and probably some of you here this afternoon, were the very arguments that they had when they took the District Courts out a few years ago.

This document is a good instrument, it was well prepared by the gentleman who submitted this to us. As I say, I was as dubious as any one of the members that was on the committee that I was with, perhaps some in the House, that we were taking controls away from the County Commissioners, but after listening to the presentation and looking where we could fund it, we were not going to have to go after the tax dollars from the taxpayers in the state to pay for it.

Here was an avenue of getting money that is being tied up. One of my County Commissioners was very concerned that we were going to tamper with the building fund. They have a supposed building fund in my county, on rebuilding the Courts and improving them. I did a little checking and they are planning to spend \$200,000 in Penobscot County and they showed me a document, Commis-

sioner Crossman, who said that they had \$134,000 in a particular building fund. Well, come to find out, it was quite a bit more than \$134,000. So we are not taking anything away from the counties. If we are doing anything, we are helping the people that pay for County Government and I urge you to vote against the motion that was made by Mr. Wight.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I support the gentleman from Bangor, Mr. Kelleher, in his urging that you vote against the pending motion to accept the reference to the 106th Legislature which, as you all know, is a fancy way of killing a bill.

I do this because I don't think this is a question which really requires a great deal more study. I have here in my hands a report which has been circulated to each one of you in the form of this booklet. This cost a total of \$50,000, of which \$20,000 was state money. We asked to have the Institute of Judicial Administration study our Court systems and come forward with recommendations and this bill before you embodies one of those recommendations.

I would like to make one thing plain here, that we are not talking about spending any money that is not being spent now, we are simply talking about whose money are we going to spend in paying for Court expenses. At the present time, the Court expenses are paid for by the County, which, as you all know, means that the tax is added to the municipal tax, so the town meetings have to include an item whether they like it or not, to support the Courts of the area.

Now, there was a day when this made sense. There was a day when supporting the local courts was dealing with essentially local problems. But now, as we know, crime is not any longer simply a local problem and there is good justification for us to look upon support of our Court system as a state question and not a local question. This is one element of a basic plan of reorganization

which is set forth in the booklet that I have just showed you.

The bill itself is not a new idea. It was before this House at the regular session and received a unanimous "ought to pass" report from the prestigious State Government Committee and it would have been enacted into law had we had sufficient funds at the end of the session to pass it from the Appropriations Table, but it did not and for that reason alone, died. In an effort to resolve the problem of funding, the committee amendment would combine the profit, if you will, from the District Court system, so that our Court systems would be financed as a whole.

Now, some of the people who are concerned about the loss of revenues from the District Court fund which had formally gone from the District Court fund to the counties, expressed concern that the counties would lose revenue, and I would call your attention to the committee amendment, which is S-373. And S-373 provides, in effect, that no county will receive any less funds from the District Court fund than they are now receiving.

It seems to me that looking upon the expenditures of the Court, here is an item that the County Commissioners don't have any control over at the present time anyway. If the Court needs to call additional jurors or needs to have a jury for a homicide case, the County Commissioners must pay the costs of that trial whether they like it or not. The problem encountered in some counties, when the Court has felt that more adequate accommodations were necessary and in at least one county, I know, there has been a serious conflict between the County Commissioners and the Court in seeking to get adequate housing and decent housing for the judicial system.

There has been a great deal of concern expressed here for the effectiveness of our judicial system and I think I am not overstating the case if I were to indicate to you that this is one of the most important steps we could take this session toward allowing the judicial system to determine

its own needs and priorities and to pay for its own expenses.

I hope you will vote against the pending motion.

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

Mr. DYAR: Mr. Speaker, Members of the House: I would like to point out as a signer of the Majority Report to refer to the 106th, I feel that this bill as written could have severe consequences. I feel that this bill is a piecemeal attempt.

The gentleman from Augusta, Mr. Lund, has referred to the judicial report which, in my mind, is a reorganizational bill. Now, we have been faced with thirteen State Government reorganizational bills and we have taken them in stride. It would seem to me that a piece of legislation of this impact should have the same thinking behind it. If we are going to change our Superior Court system, it should be done not piecemeal, but with effort to establish a new concept in one major step.

Now in the report it is mentioned on the quality of justice. It more or less states that many of our Superior Court justices are handling the easy cases, are closing their Courts, moving on in the circuit and leaving the tough jobs for the judge coming in. Now, in my mind, if this is an excuse against the judicial system, I think the Chief Justice has the prerogative to tell these judges to clean up their kitchen before they leave. To me the most important thing in this judicial report is a detail of the proposed plans of the five District Superior Courts here in the State of Maine. I would like to take time and cite a couple of these districts.

For example, District 3 would encompass Franklin, Kennebec, Knox, Waldo, and Somerset. This gives the justice the prerogative, which is stated on page 15, under Physical Facilities, in each District one court location will be selected as a Superior Court's main base of operation. It is entirely probable that we are giving the Chief Justice license to say in essence, that the Courts in Franklin, Knox, Lincoln and

Sagadahoc are not sufficient to carry out the job that is necessary and therefore it would be within his jurisdiction and power to establish a new District Court here in Kennebec County.

Now this may be a saving of money to the tax people, but I very much doubt it. Now the County budgets, when the Commissioners draw up new budgets, they base their monies on past experience and I would state that under the Superior Court expense in the 16 counties, the estimated budget for 1972 was \$873,736. The District Courts in this state returned \$1.3 million to the 16 counties. They also held back in the District Court fund, \$420,328.81, which on this basis funds lost by the county would be \$426,000, plus what was kept in the District Courts would have been a gain to the Court system of \$873,000 based on 1972 estimates.

Now you can toss figures around all you want to, or you can toss them around from a legal aspect or a layman's aspect or a farmer's aspect, but 1 and 1 makes 2, I hope.

It would seem to me if we are going to take time and change our judicial system — this report cost \$50,000. And if this report is worth \$50,000, which was stated \$20,000 was taxpayers' money, it seems to me that we could take the effort to send this to a Legislative Committee on County Government, or any legislative subcommittee and have this studied and a comprehensive bill presented to the 106th Legislature.

I do not believe that our judicial system is in such a poor state of affairs as of this day that we need to rush into this blindly. Now, as you realize, it's a bad term to use, a lawyer's bill, it seemed that mostly attorneys who came into the committee as proponents of this bill. It seems to be mostly attorneys who are opposed to the committee report and I hope that when the vote is taken that you will take into consideration, that you are representing the people within your district, your constituents.

I certainly feel that the attorneys have good intentions, they wish to

have better qualities and facilities for their judges and better quarters for their courts, I can go along with this. But we can go down into Lincoln County with one of the oldest courthouses in the state, they have spent thousands of dollars to keep it in its historical state. This legislature has allowed Lincoln County to float a \$400,000 bond issue to build a new Courthouse in Lincoln County and I cannot see sending this all down the drain in one afternoon.

To add to this, if we go into this District Court complex, which is suggested in the report, you can expect in the 106th, 107th or 108th session to be approached with a District Jail system, five District Jails to go along with your five District Superior Courts. I can visualize five District Sheriffs to carry out the law enforcement end, and you could end up very easily with the entire judicial system being run from one brand new Superior Court building here in Augusta.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether I made the statement that all the County Commissioners were against it, but there was one gentleman from Oxford County that wasn't against it. His name was Mr. Ferguson and he was very much for it. John Salisbury who represents the Maine Municipal Association with the amendment that was suggested by Senator Tanous, as far as the funding of this program, who was representing the Maine Municipal Association, was very much for it.

I don't practice law and I am for it. I don't believe that this is a lawyers' bill and we know that an instrument or a document such as this that is presented to the legislature, you have to get someone in the field that understands the Court procedure, and there was no small wonder that a member of the legal profession happened to sponsor this bill.

Here is a chance for you people if you want to bring some type of tax relief back to your own com-

munities, here is a chance for you to adopt a decent piece of legislation. It was amended to make it helpful to your communities, I hope that you vote against the motion of Representative Wight and then we can put the proper motion before the House.

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

Mr. WIGHT: Ladies and Gentlemen of the House: I hope you are not misled by the figures that are being tossed around here because when you get to the facts, they have studied this and I have here reports from the counties, where this will cost the County of Aroostook, if they rent the area at the desired rent, \$22,275. Now, there is income coming back from the District Courts that far exceeds the cost.

The cost to Cumberland County—this is for 1971, credit to the county after the Superior Courts have been taken out from the Superior Courts behind the District Court distribution, they will lose \$239,000. Both counties that I have reports on show losses. Now, they are saying you are relieving the property tax or the county tax. From the reports that I get from the counties, this is not true. They are getting more money than they are spending and part of this is to support the county.

Now, I think you are being misled in that part of it from the reports you get from not only County Commissioners but from the Treasurers of the different counties. This is going to cost the county money, it is going to go back onto the taxes, and they think you are saving money when, in fact, it is going to cost you money on County tax because of the credits over and above what it costs. And I hope you see your own county reports and see what this bill is going to cost even if they rent the courthouses.

They are receiving more from the Court system and from fines in the Superior Court than they expect to get in rent. In that case, if you want to kill County Government, take it away from County Government and build up an empire down here in Augusta to sup-

port this. Because I cannot understand how one man, the Chief Justice of the Courts is going to supervise and operate these courts, and I see no one that he is actually responsible to.

Now, this bill was studied and worked on. It seems to me there would be a Court counsel or something to take care of this paper work and this detail with accounts. But you are leaving it all to the Chief Justice and I am not sure and could not find out who he is responsible to. He is going to take in all the Court monies, he is going to disburse them I think as he sees fit, and there is no representation of the people for any check and balances on this Court official.

I have no question that probably it will be suitable for a time, but the expenses are going to be far more than you believe.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: I would like to relate a few words about this bill. Speaking with the Treasurer of Androscoggin County, he told me that the net cost to Androscoggin County is going to be — not to Androscoggin County, excuse me, to the City of Auburn, which I represent, the net cost, and it is not a revenue, now cost is going to be \$25,000 the first year.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen: I am quite aware that the County Commissioners of the various counties are not very enthusiastic about this bill. I am not particularly enthusiastic over the reason for their attitude. Now, let me make myself clear.

I was asked to serve on an interim committee to work with this legislation and bring it before you today. We made what I thought was a reasonable request. We asked the County Commissioners of each of the several counties to tell us what they felt would be a reasonable rental for the space utilized by the Courtroom and the auxiliary space in each of the County Courthouse. Gentlemen, one of the counties complied with

our request. The rest of the counties didn't even bother to favor us with a response.

I think this gives some indication of what the attitude of the County Commissioners is and I have no quarrel with the County Commissioners, they do a great job in the area, but I think that, perhaps any other state agency that tried to work in 16 counties with 16 different landlords and 16 different arrangements would encounter the same kind of problems that our Courts are encountering in dealing with this. I am at a complete loss to understand how the City of Lewiston or Auburn would lose \$25,000 with this bill in its present form because the bill states quite clearly that there will be no additional loss of revenue to any county because of this bill.

The gentleman from Strong, Mr. Dyar, discussed not the bill, but some of the other recommendations which are part of this report. There is nothing in this bill that says you are going to create District replacements for Superior Court. There is nothing in this bill that talks about regionalizing the jails. These are other recommendations which may, some day, be implemented by separate legislation.

To state what this bill does again, it pools the funding of our Court expenses, the District Court and Superior Court together, and it allows the Courts to exert the budgeting activities and the control over the expenses. It would lift the expense of our Court system from the property taxpayer and if there is additional expense beyond that which is raised by the District Court system, it will be financed by general revenues.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hesitate to take issue with my good friends from Bangor, Mr. Kelleher and the gentleman from Augusta, Mr. Lund, but if I understand the measure correctly, and incidentally I too was one of those who was named on the interim committee by the Speaker. I never attended one meeting. I told the Chairman

I was against its program then as I am now and I didn't attend any meetings. I felt that I would gain nothing from it, but if I hear correctly, in commenting about the loss in Androscoggin County, Mr. Emery underestimated his figures, and the gentleman from Augusta, Mr. Lund, agreed with Mr. Emery, because if you are going to pool the District Court and Superior Court funds or Superior Court funds, then that would ordinarily cost us \$44,000 in Androscoggin County and it would cost us additional revenues as they come along.

Now, I spoke in all honesty at length, the night before last, about this measure with the Chief Justice of the Maine Judicial Court, with whom I am personally friendly. I explained the measure to him and, of course, he explained his side to me. Now, we are talking about \$100,000 for rentals as far as the total for the District Court.

The late Justice Chapman would go to the County Commissioners and he would say, here, we will give you so much for the Courtroom, take it or leave it. This is not going to be the case any longer, and \$100,000 would not suffice and anywhere near suffice because at the lowest rate of \$4.25 a foot, I mean in Androscoggin County alone, it would amount to \$50,000 a year, and we are the second largest county in the State. Certainly Cumberland is twice as large as we are, that would begin with two counties alone. That would leave the fund of \$100,000, \$50,000 in the red with 14 other counties to go. Fallacy one.

Fallacy two, as I explained to the Chief, is this. When the Courts remand the prisoners to the jail, they become Court property and it costs us at home \$7.20 a day to take care of prisoners. We have got nine of them languishing in there now waiting to be heard on very serious drug cases, all at \$7.00 a day.

The argument was brought to me that the County Commissioners, that the rate for the jail was, could be set with the County Commissioners but the sheriff did not have anything to do with it in so far as the business is concerned

because the sheriff was administrator as far as County Government is concerned and my next answer naturally was well, if the sheriff is administrator, what are the County Commissioners? There was a pause of not much of an answer to that question. My only thinking is that the report was made and I don't think there was time enough to study the report in the first place and I don't think, frankly, the committee that I was appointed to, that I didn't serve on or attended any meetings to, was equipped to do the work as it should be done.

Now, as far as the monies that we would make on an opportunity for the property tax savings are concerned, you would be just be taking the property tax problem and shifting it from one County, if that were so, and putting it into another hand, that is, into the state. If you look at your document, 2047, right in that document in Section A, the District Court building fund account is asked to be transferred amounting to \$350,000. We in Androscoggin County are going to have a new Courtroom. I think it is only a question of where it is going to be, Lewiston or Auburn, it is the best space. The Lewiston city building is very inadequate and the Chief told the Appropriations Committee that we were going to have a Courtroom in several other counties, so that you can forget about that kind of money.

I think frankly that this bill here is a measure that needs far more explanation and study than has been done on it now. I think that you have gotten a splendid explanation from the House Chairman of the County Government Committee, I don't think that this is the proper time to do this because it has not been studied long enough and this is a money loser. I would almost put a price tax on this thing in the area for the next biennium, of \$6 million, which tacks on to what we are already going to have to have to keep the store open.

For that reason, Mr. Speaker, I move the indefinite postponement of the bill, both reports and all

its accompanying paper, and ask for a roll call.

The SPEAKER: The question now before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill be indefinitely postponed.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: It would appear to me that I haven't had explained to my satisfaction, why because the control of our Court systems in its entirety would change from the county level to the state level, why it is going to cost this tremendous amount more money. As far as the whole picture is concerned, regardless of whether it comes from state or county funds, ultimately the taxpayer is paying for this entire Court system. And it would seem that by centralizing this Court system, we might get a much more orderly procedure out of the Courts.

According to a lot of the rhetoric which we have heard in this special session, we have been trying to come up with some ways to improve our Court systems and it would seem this would be a good approach. I, again, don't feel that the taxpayer who is ultimately paying the entire charge, whether it is from state or county levels, is going to appreciably pay any more just because it is coming from one faction. I think this again comes down to the matter of our counties having some kind of tremendous fear of losing controls over certain portions at the county level. I don't think it amounts to anything more.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Lund made a statement here about his committee had sent a request to the various County Commissioners for cost of rentals and so on and so forth and he had heard back from one county concerning it.

And I, at the time, was kind of skeptical of this because I felt that

perhaps maybe this committee didn't give them the proper time and I criticized at the time to Representative Lund about it. But you know, we heard this bill on Wednesday of one week here when this session was on and when I got back home Friday my County Commissioner had gotten ahold of five different real estate agencies and those five agencies estimated that there would be a cost per square foot from five to six dollars. Now, mind you, they couldn't do this in 15 days, but from Wednesday to Friday, when I got home, they had done this, they got five different firms to look over what the State would be taking over or what they would be taking away from the County Commissioners, and that was the two Courts, the Clerk of Courts, the Law Library, Conference Rooms, and the Attorneys Room.

Now, they evaluated this at \$5 per square foot which came to roughly \$65,000. And at the time I was talking to my County Commissioners, they felt that the committee didn't give them proper enough time to evaluate what the cost of this program would be and it was very surprising how they went home from the Wednesday that we heard the hearing and when I got home Friday, I went down to the County Courthouse and they had these figures available.

So, I think that we can readily say that the County Commissioners weren't quite so cooperative, as they were trying to say they didn't have the proper time.

I oppose Mr. Jalbert's motion. There has been study enough made on this. I think the committee heard the report well enough and I hope that you vote against indefinite postponement.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I did attend some of the meetings of this committee that Representative Jalbert didn't make. The Chief Justice was there, several other justices were there, too, to make recommendations and our big problem seemed to be that if this went into effect, the next biennium we

would have to come up with money in the Part I budget to pay for it.

Also, the Chief Justice said there would be considerable paper work to be done and he would like to have several months leeway so that he would have the time to figure out what he was going to do and where he was going to go. I don't think that any county will lose any money in this project. In fact, I think most of the small counties in the state will be greatly helped.

If you get two or three wild murder cases going in a small county, they can bankrupt that county with cases running up to \$100,000 a case. I think your large counties can handle this, but I don't think the small ones can. I think we would be better off going along with the bill.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of that County Committee and I would call your attention to the fact that 12 voted as they did to refer to the 106th and only one against.

I would also call your attention to this document to Section 115, a place for holding Court, suitable quarters. In effect, this whole thing is that the Chief Justice of the Supreme Judicial Court with the advice and approval of the Bureau of Public Improvements, is impowered to negotiate on behalf of the state. Here again, this used to be in our Bureau of Public Improvements. Now it will be transferred to the Chief Justice. And the Chief Justice will be able to negotiate leases, contracts, and other arrangements as provided in the preceding paragraph, and he may, with the advice and approval of the Bureau of Public Improvement, go on to determine when, where, how and why, what type of building that he can ask for.

Now, to move over to the last section of this bill, on Section 30, effective date, Section 2 of that section is, "The authority of the Chief Justice under Title IV, Section 115 as added by this act to negotiate leases shall be effective July 1, 1972, but the term of such

leases may not commence prior to July 1, 1973." In effect, the whole accounting of this thing here goes along with another bill where the Chief Justice will become the supreme control of all our law in the State of Maine.

This document, in my opinion, really deserves a tremendous amount of study, as we are dealing with something that is very tender to the whole state, and that is our entire judicial system.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen: I simply would like to say that the point which is raised by the gentleman from Eastport, Mr. Mills, was taken care of in the committee amendment and there was concern expressed about some freedom to run around and build Courthouses. We assured the committee that the Chief Justice was not going to do that and to make sure that that wasn't done, that is included in the committee amendment and there is no question of running around and building new Courthouses. That has been removed by the committee amendment.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman from Lewiston, Mr. Jalbert. I can remember a few years ago, in this same House, when we created the Super University of the State of Maine.

I got up on the floor of this House and I warned you people, those that were here at that time, that the cost of this Super U would be so great that we would wish we had never passed that law and many people here can remember that and it is going to be the same thing with this Court business. If we create another empire, I will guarantee you that in about two more terms of the legislature we will have a legal Super U in this state, and it is going to cost the taxpayers three time what it is costing them now.



So I hope that we support the motion of the gentleman from Lewiston, Mr. Jalbert, and that we kill this bill here and now.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Bill "An Act relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts," Senate Paper 712, L. D. 1986, be indefinitely postponed in non-concurrence. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

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

Mr. JALBERT: Mr. Speaker, I move that we reconsider our action whereby we moved to indefinitely postpone this bill and when you vote against my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert moves that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of reconsideration will say aye; those opposed will say no.

A viva voce vote being taken, the motion to reconsider did not prevail.

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

Report of the Committee on Natural Resources on Bill "An Act to Revise the Site Location of Development Law" (S. P. 723) (L. D. 1981) reporting same in a new draft (S. P. 767) (L. D. 2045) under same title and that it "Ought to pass"

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

In the House, the Report was read.

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

#### **Amended in Senate**

Report of the Committee on State Government on Bill "An Act Implementing the Reorganization of the Department of Environmental Protection" (S. P. 752) (L. D. 2024) reporting same in a new draft (S. P. 772) (L. D. 2051) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-374) was read and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

#### **Ought to Pass with Committee Amendment Amended in Senate**

Report of the Committee on State Government on Bill "An Act Implementing the Reorganization of the Department of Educational and Cultural Services" (S. P. 721) (L. D. 2010) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-353) was read. Senate Amendment "B" to Committee Amendment "A" (S-377) was read.

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

Mr. DONAGHY: Mr. Speaker, I would move the indefinite postponement of Senate Amendment "B," number S-377.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves the indefinite postponement of Senate Amendment "B" to Committee Amendment "A."

The Chair recognizes the gentleman from Gray, Mr. Woodbury.

Mr. WOODBURY: Mr. Speaker and Ladies and Gentlemen: I have

in my hand the Senate Amendment "B" to Committee Amendment "A" and I would like you to simply read the Statement of Fact at the end of the bill and I think that in the discussion that I am going to try to carry on here perhaps some of the questions that may arise in your mind will be covered.

I would like to point out to the House that this amendment as it is set up covers the items which were included in the suggested amendment made by the Commissioner of Education at the hearing on this bill. In essence that is true. Some of you will recall, because I think I have a good many friends in the House, that I have been sort of uptight with respect to this bill, L. D. 2010, ever since it came off the press.

What I would like to do here today is to try to explain to you, and for the record, the basic reasons for my feelings concerning this bill. And with your permission I will use a little time for that purpose.

Whether or not the State of Maine will continue to have a State Board of Education, regulating education at the state level, should in my judgment hinge on one fundamental question. What style of control or governance of public education is best for the boys and girls of this state?

Other subordinate questions are: What is economical? What is efficient? And the third one, what is adaptable to our changing society?

Presently the people of Maine have entrusted the affairs of the schools, both at the local level and at the state level, to school boards composed of laymen. As in most states the people have intentionally divorced education from the partisan sphere. By definition they have said that education is different from police matters, it is different from transportation, it is somewhat different from welfare; in fact it is different from all other aspects of government.

Now the issue here in Maine now is whether education shall continue to be set apart to the extent of being managed by an appointed State Board of Education, and whether

this board shall be responsible for guiding, suggesting and approving the work of the Commissioner of Education. The key questions are, as I see it, should these functions revert to a governor and be exclusively executive functions? Will such a change in government result in better schools and better education?

To imply that education is a fourth branch of government under present procedures would be terribly specious. Education in the State of Maine should continue to be strongly regulated by the legislature, which passes all laws affecting education, including the all important matter of finance. Furthermore, our governors appoint the members of our State and as a result have a strong influence on that body.

I am sure many of you know I have served on our State Board of Education for a period of three years, resigning when I was elected to the legislature to avoid conflict of interest. I also worked in another state with eleven different State Boards of Education as an administrative officer in the area of school administration and finance. In fact education has been my life work.

The major difference between these boards — I mean the boards in New Jersey, and the one here in Maine can best be described as follows. In that state the appointing and approval authorities saw to it religiously that the board membership was broadly representative of the general public. In Maine, if you look at the list of our Board of Education members you will find that we have at least four members of that board that could not be classified as laymen, because they are educators.

Education in every state in this Union these days is big business. In most states education receives the greatest allocation of tax dollars. These dollars represent political power, or at least the potential for it. But viewing education in this manner is a great injustice. Education is the very guts of our society, the very heart of our civilization, the very soul of everything dear to us all.

Right now we have an educational system that is responsive both to the legislative and the executive branches of government, but not subject to radical and capricious changes. Education is not a partisan matter any more than is motherhood. It deserves limited immunity from the political arena. The existence of the appointed State Board of Education, charged with responsibility for the development of educational policy at the state level, provides just the right kind of balance. I submit to you ladies and gentlemen, that it is not the system that is wrong.

Around 1900, and I will make a confession to you, a year before I was born, about 75% of all the states had no state boards of education. Maine did not have one until 1946. Education in the states was for the most part subject to one-man rule. State superintendents were either appointed or elected by at least quasi-partisan ballot. And when I say state superintendents I am referring to the people we now call commissioners. Gradually the people began to realize that good education required more stability and much more professional treatment. For this reason boards were initiated and superintendents were chosen on their merits.

Because an educational system is a compromise of values, it is reasonable in our society that no one person or persons values should predominate. Neither should the educational system be subject to tremendous pressure from one person, nor should the education profession be ignored in the decision making process.

All of us have our personal opinions about what we prefer for the schools and we all, whether legislators or just plain citizens, have the right to be heard. We can influence what happens in the schools under the present system and our approach is through the board, whether it be at the state level or at the local level.

That this would still be true if education were a function of the governor's office is hard to argue. I can understand how a governor's power and prestige would be in-

creased. I can understand how a certain amount of fiscal efficiency could accrue, perhaps occasionally at the expense of a good program. However, I do not see how the boys and girls of the State of Maine will benefit in any way by such a change.

In a publication by Doctors Beech and Will, published by the United States Office of Education, the advantages of a lay State Board of Education are summarized. I would like to quote from that document.

1. "A board is more representative of the total population it serves than an individual policy making agent."

2. "A board can make wiser and sounder policy decisions than an individual."

3. "It serves as a safeguard against the abuses of discretionary powers."

4. "It serves as a safeguard against the involvement of education in partisan politics."

5. "It acts as a safeguard against needless disruption in the continuity of an educational program."

6. "It provides an economical means for management and control of the educational program."

7. "It provides a safeguard against fraud and malfeasance in office."

Many experts in the field claim that a state board has as its main responsibility — and I subscribe to this, "the interpretation and establishment of educational policy within the broad policy mandates of the state legislature."

Every state in the Union with the exception of Wisconsin has a policy making State Board of Education. In some states they are elected and in some they are appointed, but boards by whatever origin are almost universal. A great deal of human wisdom went into the system that presently exists, for remember that these boards were brought into being after experience without them. It is my hope that the people of the State of Maine do not have to learn again the reasons for having such a State Board of Education by the chaos that could occur by its absence.

Now I would like to summarize a little bit by telling you specifically why I am opposed — some of the reasons, not all of them, why I am opposed to this bill, unless we can amend it as we stand here.

With the passage of this bill, unless amended, the legislature will be truly abdicating its responsibility for public education in the State of Maine, in my judgment. This bill does not provide for educational accountability on the part of the Commissioner and his staff. The school administrative district functions, redistricting and dissolutions will not be reviewed by a board with power to act. This advisory board business is just window dressing.

The approval and accreditation of elementary and secondary schools will be exclusively in the hands of the Commissioner without provision for review and approval by a board of laymen. All state financial subsidy decisions, many of which involve judgments based on local conditions, will be made by the Commissioner and will not be subject to board review and approval before becoming final. This procedure is financially questionable.

The Commissioner will administer the State Vocational-Technical Institutes without benefit of a policy board — our most expensive type of education and we hope to expand it in this state. There will be no lay board representing the people charged with the enforcement of school laws. This is not a one-man responsibility anywhere else in the Nation.

The Commissioner will make all educational policy, which has to be made at the state level, affecting some 160,000 school children in all parts of the state, then administer that policy without review or approval by a board representing the general public.

The elimination of a policy board at the head of the Department of Education is certain, absolutely certain, to reduce our chances of obtaining federal aid. In general such aid is not made available except through responsible policy making fiscal agencies.

Now ladies and gentlemen, to pass this bill without the amendment that we are referring to, restoring a policy board, would be a giant step backwards, in my humble judgment, in the development of a better public educational system for Maine and its children. I urge you to accept this amendment; therefore I must urge you to vote against the motion to indefinitely postpone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have respect for every member of this House. Somewhere along the line it has to go by degrees as individuals. The last speaker I would have to have a special feeling for because I attended several meetings of the State Board of Education, of which he was a chairman and member, but more important he is one of those who honored me greatly by voting to name the Louis Jalbert Industrial Center at the Central Maine Vocational School, which is naturally an honor that I shall cherish throughout my life.

So I think it is very very difficult for me to take issue with him. I must, however, make a decision as I did recently in one of the vocational schools wherein it concerned itself with the director, who was also a very close personal friend of mine, and I was asked what comes first, the school or the individual. And naturally I went to the gentleman from Gray, Mr. Woodbury and I was so disturbed about it emotionally, and he knew that I was, that I asked his advice.

Wherein it concerns this amendment I would oppose it and I would go along with the thinking of the gentleman from Lubec, Mr. Donaghy, and actually the Research Committee unanimously voted to go along with that gentleman, and my reason is because I feel that somewhere along the line the subcommittee within the Department of Education that was working on the programs of the vocational schools did not do the job, in my opinion, that should have been done.

And that is my main reason and at this time my sole reason and I feel it just is strong enough. Unhappily I must say that the State Board of Education by its own actions, and one only has to dig up the records and they are public, by its own actions of absolute bickering at their meetings has brought along their own downfall. I have had men who have served on that board who have refused to serve any longer.

I have been tremendously chagrined when I have attended meetings and I have been more chagrined when I have read the minutes of the meetings. And that is the reason why I would be more than happy to leave this program within the department and I go along with the thinking of the gentleman from Lubec, Mr. Donaghy. Two committees have unanimously gone along with his thinking and that should be good enough for us.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: My experience this last year on the Education Committee has been an interesting one to say the least. One thing that I have learned, that if we bring a matter into this House where there seems to be any threat to local control of the school system, that particular matter has very rough and heavy going. Because there is an instinctive defense of, and very properly, the prerogatives of localities to maintain control of their own school systems.

Now the key feature that has developed in American education is the lay check on the professional educator as represented at the local level by the school board. I think that it would be almost impossible to find anybody in this body who would recommend that we hire a superintendent of schools, put him in charge of the school system, without a lay body to act as a policy check. But that is exactly what is recommended in the reorganization bill that you have before you now.

You have a Commissioner of Education who would act with a

board that was only an advisory board. They would have no check whatever from the policy point of view and no authority, and I think from your own experience you know what happens when you have an advisory board. It finally degenerates into simply a shadowy group that occasionally gets together to have a photograph taken.

Now I think all of you are aware of current trends in education well enough to know that we stand on the brink of a revolution in the form of financing of education. I think you all recognize that very shortly, the traditional reliance on the property base is going to be removed and more of it is going to be done from a state level. I also think that most of you are not naive enough to think that if the funding is going to come from the state level that some of the policy shots are not going to be called also from the state level.

Over the next ten or a dozen years I am sure we are going to see policy decisions made increasingly at the state level and you are going to see an erosion of the authority of the local school boards. Now surely if that is the situation, and it seems a reasonable conjecture now, you don't want to see a situation where educational policy is going to be made without the check of a good lay board at the state level.

Now I am not going to attempt to defend the State Board of Education because I am sure there have been mistakes made in appointments. I am sure that in the last few years we have had a predominance of educators on the board. I am sure this is a mistake. The board should be broadly representative of all walks of life in the state. But because we have had bad selections of board members, relying predominantly on educators, there is certainly no reason now to abandon it. If we did abandon it, as has been pointed out here, we would find ourselves in the distinction of being the only state in the Union that felt courageous enough to embark on a situation where we had a Commissioner of Education free to operate as a czar with no policy check by the lay board.

In my view this would be the most grievous mistake that we could possibly make, and I urge you with every bit of conviction I can convey to you to not go along with the motion that is on the floor of Mr. Donaghy at this moment, which is to indefinitely postpone the amendment. Because without this amendment this bill is a sheer educational horror and nothing else.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to address myself to this problem of a state board and try and clear up some misconceptions which I think have been given to you this afternoon.

First of all, the State Government Committee was unanimous as was the Joint Select Special Committee on Reorganization unanimous on this bill and on this point. That we took as a premise that everything isn't right with education in the state, and we asked ourselves, should something be done? Of course something should be done. And we asked ourselves, could something be done with the state board, and should something be done with the state board? And I think we decided, yes, we could make some improvements there.

Now the people who have spoken in favor of the amendment now in question have said a couple of things to you that are wrong. One is that the board would simply be an advisory board. That is wrong. The board will have many of its powers, in fact it will — the only powers or things that the board does now are being taken away from the board, if you could say that, are administrative things; and I will explain these to you in just a minute.

Now the other thing is, is it the board in the bill that is proposed a lay board? And if you look on page three of the document you will see that the membership of the board shall be broadly representative of the public. It calls for no special representation by educators or any other people in the community. Broadly representative of the public. And I think that

is about as much of a lay board as we can ask for.

Now, let's go through some of the things that the board presently does and what the committee is leaving with the board to do. The formation and dissolution of school administrative districts. The power there still rests with the board, the ultimate power. If someone is upset about the formation or dissolution of an SAD, they may appeal to the state board as the committee bill states.

The next thing. Cooperative agreements between school administrative units. This is an administrative function and we are going to leave this with the department as an administrative function. Your state school compacts. This is a power now held by the state board, but it is purely administrative, and the board need not trouble itself with it. It can go to the administration.

The formation and dissolution of community school districts. This power still ultimately will rest with the board, and I will read you a series of letters in a minute showing you that we have proven that at least to most of the state board at last. Accreditation of schools, this power still ultimately lies with the State Board of Education.

Approval of small schools or school units. This power still will ultimately lie with the state board. Approval of degree granting institutions will still remain with the board. Approval of regional technical-vocational centers, this is a state function, it will be handled administratively. Approval of school facility standards and construction aid is administrative and will be administrative in the bill.

Payments of state aid. This will go and will stay with the board. And I think you have heard comments to the contrary by other speakers. So I hope this clears it up.

So the board as we have written it will be basically an advisory and an appeals board. They will not be administering the Department of Education except in the cases where school districts or towns or whatever are dissatisfied with the administration. They can then, in most of these areas,

appeal to the state board for redress.

Now I mentioned a minute ago that there was some confusion on the part of the state board, and you ask yourself is anything wrong, should anything be done. The state board came in, appeared at the hearing, and said that all their powers were taken away and Mr. Antoine, the chairman of the state board, gave us an example, the little Town of Pembroke, which evidently had a school under a hundred students, a high school I guess. And they had petitioned to the state board to be allowed to stay open and Mr. Antoine said, "Well, the state board with its present powers was able to allow the Pembroke school to stay open." And under the bill as it was written this wouldn't be true any longer, the state board couldn't do this good thing.

I tried to point out to them at the time that some of these confusing little numbers buried down here in the bill gave the board the power, under the bill as we have written it, to still take care of the Pembroke appeal problem. All right, I received a letter from a gentleman on the state board that said, "Dear Representative Cooney: I wish to point out that you were dead wrong Tuesday afternoon in your conclusion that the State Board of Education would retain its present power to overrule the Commissioner of Education on a matter similar to the Pembroke case." And he gives the section here. After stating this, he said, "No group of citizens would drive from Pembroke to Augusta to plead with a board that has no power to alter a decision already made."

I wrote back to him and I said thank you for your letter of February 10 regarding the powers of the State Board of Education. And I said, "If you will refer to Section 4 of the bill, subsection C gives the board power to review decisions of the Commissioner of Education under 20 Maine Revised Statutes, 1281. Subsection 10 of 1281 provides that schools with less than 100 pupils may be appealed to the board. There is no change in this power in the reorganiza-

tion bill. I hope in the light of this fact you will no longer consider my conclusions dead wrong, but rather accurate and worthy of constructive consideration."

A few day later I received this letter in response. "I stand guilty of the arrogance that I attributed to you in your remarks to Mr. Antoine at the hearing on L. D. 2010. You were completely accurate that day and I was dead wrong. I apologize and send copies of my conclusions."

All right. Now I hope I have explained to you that we have not taken away the important powers of the state board, but what we are trying to do is make the educational management in this state more responsive by putting it under the executive who runs and is elected by the people. The state board is not elected by the people. They are not responsive. So the Governor runs — under this bill he could run, he could make promises to the people that he might be able to make some corrections in education, and with the Commissioner there working for him, still with the state board over him, in these appeals cases where towns and people might be dissatisfied, perhaps he can bring about some positive changes in education.

So I put it to you simply. Is everything right with education today? Can the unanimous report of these two committees be all wrong? Couldn't we have discovered some things in all our deliberations that might recommend this thing to you? And so I urge you to support my House Chairman's motion to indefinitely postpone this amendment.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: I would like to recall very recently we took action on a bill involving inherent managerial policies on the local level. You saw fit then to alter and give away many of the policies of the local school boards. I hope you will bear it in mind when you vote on this.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I hope you will relax. I do not have a four-page prepared text. I simply want to thank Leighton Cooney, the gentleman from Webster, for a very fine explanation. I was very much surprised at my very good friend Mr. Haskell. He was dead wrong. He usually does his homework, but he didn't on this one, he must have been mistaken.

I notice too in Mr. Woodbury's plea to keep the present educators and bureaucrats and what have you not only in the position of being the final board of appeal but also in running the complete Department of Education that he pointed out that we should keep it the same as the local school board. Well local school boards are elected by the people of the town, they are chosen from the people of the town, and educators are not allowed on the boards. This is not true here, and these are pure political appointees.

Other states were mentioned. But it was not bothered to be mentioned that the qualifications on these various school boards are just about as varied as the fifty states. Some of them have absolutely no power, it is simply a name that they have given them. And I notice repeated along at the end of the dissertation that such boards, such boards, such boards shall have these things, and the only thing I could think of was power bureau, power bureau, power bureau, because we had to have a group of people decide everything when one man could come in here efficiently and manage the thing.

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

Mr. MORRELL: Mr. Speaker and Members of the House: Just very briefly as a non-educator, I would like to say that my impression was that Representatives Haskell and Woodbury gave presentations which did indicate a great deal of homework, a great deal of thoughtfulness in a very tough and difficult area, and I for one am very much inclined to do as they would ask.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: Some of us have had many problems with the present State Board of Education. We have tried to pioneer—and I have come in recently, back in '66—a standard in Maine in helping every child who is going through our educational system be properly prepared for his work in life, in his community, in his State of Maine. We have tried to pioneer the system in education, of vocational education. Myself, I got into it back in '66 when we worked to bring a school in Dyer, and the board, in its wisdom, has worked against us I feel, has worked more on the idea that education is academic, that education is—you read so many books and you get your diploma and you go out in the world. I can't agree with this.

Slowly we have been putting the pressure on them. They have been changing, but they haven't been changing I feel in their heart. They have been changing because we have been forcing them to change. Until they recognize that a young student in the State of Maine is going to be prepared for his life's work in that educational system, and that might be in a trade, in a skill, in the field of vocational education, until they start going after these federal funds that are now being available I feel they are failing the young people in this state.

I feel that when a student graduates from high school they should be prepared and ready to go on to a vocational school and from there ready to go out and learn from their trade and skill and have a chance to have an occupation, a chance to earn a living to support their family and be a part of their community; not come out of a school and be a total blank and be given a broom to sweep or a shovel to dig a ditch. That is very unequal in spending tax dollars for education. It is not reaching many students that need at least an equal chance of these tax dollars.



There was a letter sent to us by a retired kid of a vocational-technical institute, the one in South Portland, and in his letter he was very much against the Board of Education. From the time they started the school until almost presently, he felt they tried to stop him in every way in helping to obtain more funds for vocational education. And myself had the personal experience with the Washington County Vocational School from its beginning to its present place and situation of almost having to pull out every idea, of almost trying to fight every obstacle through our capable legislators here at that time. And if we hadn't kept fighting we wouldn't have the school, we wouldn't have students learn the skill or trade, and another rural area in Maine would be neglected to its higher education. Therefore, I have been against the present board of the State Board of Education.

When I listen to speeches such as I heard, the Representative Woodbury, very talented and very meaningful, I still say to him and I state to every member here, until the Board of Education recognizes that education has a vocational aspect, that it is just as important for a person to come out of our high schools and vocational schools and know a trade, a skill, a chance for an occupation, as it is to sit there and spend four years wondering what they are learning next in an academic program, I say the Board of Education does not belong at the head of vocational education, and that is exactly what this amendment does. Everything that I, myself, have fought for five years with this Board of Education you have given back to them. It is not right for that 60 or 70 percent of our students that don't go on to college. Therefore, I will ask you to oppose this amendment.

Mr. ROSS of Bath moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous

question will vote yes; those opposed will vote no.

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to having the main question being posed now, for the simple reason that we are discussing bills that will have a long-range effect on the future of this state, whether it is this governmental reorganization bill or any other that will come before us. Whoever and whatever individual who wishes to speak on this ought to be given that opportunity, regardless of his position.

I don't happen to necessarily agree with everything that is said, but I do believe they ought to have the opportunity to say it. So I would ask you to vote no on the question of the previous question.

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

Mr. BITHER: Mr. Speaker and Members of the House: Somewhere I think I heard you, yourself, say that you were going to have unlimited debate on these reorganization bills, even if we stayed here all summer. I don't think we should have any previous question motions on these reorganization bills.

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

Mr. LEE: Mr. Speaker and Members of the House: I just want to make a statement. I agree with our Minority Leader, Mr. John Martin.

The SPEAKER: All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken, 16 having voted in the affirmative and 93 in the negative, the

main question was not ordered.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think if you have a problem, I don't know as you run away from it by doing some of the things that have been suggested here today. I think the gentleman from Gray has probably given me one of the most enlightening presentations I have ever heard on this House floor, and I have had the opportunity to serve with him in the Education Committee all year and know pretty well what his feelings are. But I think he is hitting the nail right on the head, that I don't think we should start centralizing government to the point that all of a sudden we are going to do it now in this Department of Education per se.

I would like to have one question answered. I just heard Mr. Cooney say that they are given the rights of appeals, they are going to serve as an appeal board. Now any appeal board that I have ever seen has always had the rights then to overrule the commissioner — it would be in this case — or have the power to do something once they have had the appeal. And nowhere in this bill do I see any portion that would give them any rights once they have had the appeal from anybody, and I would like to know if it is in the bill or what the intentions are.

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

Mr. COONEY: Mr. Speaker and Members of the House: In answer to the question, the appeals powers are in the bill. I would be happy to discuss them with the gentleman off the floor if he would like to go discuss them. They are here. I did read you a series of letters where I had to prove this to a member of the State Board. I read you his response to me. He is satisfied that these appeals powers are intact. If they are not intact and somebody can prove to me that anything I have said here this morning is not in this bill, any of these appeals powers that I have said are in the bill, I, for

one, would support an amendment replacing them, and I think other members of the committee would too.

We did want this Board to be an appeals board, but right now let's take the Pembroke case as it was explained by Mr. Antoine. He came in and said that the State Board did a wonderful thing by helping out the Town of Pembroke. Now who is to say that the Commissioner of Education would not have done the exact same thing? In fact, I am pretty sure he probably would, whether it is the present commissioner or any other commissioner.

Now if the commissioner did not render a decision that satisfied Pembroke, under this present law, and I have read you the letters, I can give you that title right now, they could appeal to the State Board for redress. What it does, it streamlines the thing and it simplifies the thing. The State Board doesn't have to be around taking care of the administrative things, and that is what they are doing right now. And the committee feels, and I think very sincerely, that that is one of the things that is messing up our educational services today.

So if you would like to join me in back, I would be happy to discuss this.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I don't particularly want to meet out back of the hall of the House to discuss this matter, I would like to have the question answered right now.

I did not think for one minute that the gentleman had said the appeals portion wasn't in the bill, but I would like to read you something in part "C" of section 4 — it is actually Section 4, part 3C, and it says, "It shall review on the written request of any interested party decisions made by the department acting through the commissioner or his duly authorized representative pursuant to the following sections: 222, 916, 1281, 1901, 2356-B, 3457 and 3458. The written request shall be filed with-

in 30 days from the date of the department's decision."

Now I will agree with the gentleman from Webster that this gives them at least the right to hear a review, but my point is, does anywhere in this bill it state that they have any powers once they hear the review as an appeals board usually does?

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

Mr. BRAWN: Mr. Speaker and Members of the House: A few moments ago it was stated here that educators cannot serve on school boards. I would like to see that law. The law, I think you will find, says that no person, his mother, his father, his son, his daughter, his brother, his sister, can be either teaching or serving in the municipality where he lives.

Now I think you will find that there are many serving on boards. For instance, a teacher in another town can come and serve in our town. We will say, if they teach in Waterville there is no reason in the world why they can't serve on our board. Now if I am wrong I would like to stand corrected. I don't think there is any such a law.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: There has been much debate on this bill. The special committee spent a good deal of time discussing the role of the State School Board, and our recommendation was unanimous in changing the Board to be this type of board that has been recommended in the bill.

I think every part of this has been mentioned except one, and I would like to mention this part. That is that this newly constituted Board will also in effect nominate the Commissioner of Education. In part 3, section B it reads, "It shall provide the Governor with a list containing the names of 3 persons from which list the Governor shall appoint the commissioner pursuant to section 1-A." In other words, instead of

appointing the Board itself, it will be nominating the Board. So in effect, this takes the commissioner at least one step away from a political appointment.

I would hope that with all this discussion that you would see that this Board really does have a big function. I think it is a fallacy to compare the State Board with a local board. The major educational policies of the state are developed in this House and in the other body, and the Education Department is basically an administrative department, which is not true of your local board where there is a great deal of policy developed. And I would hope that you would think of this, too, as you vote on this bill.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: Dr. McGary, the present commissioner, comes from our area with a very high reputation, and it is my understanding that he is in favor of this amendment, that he is in favor of continuing the board as it is, so it confuses me.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond very briefly to the gentleman from Portland in reference to the Commissioner of Education's position. I think it depends on which day you talked to him last as to whether or not he is in favor or opposed to the Board of Education. I have seen in the paper both sides. I have seen him say one day that he was opposed to the Board, I have seen him on the very next day say he was in favor of the Board. I saw him the following day saying he was opposed to the Board, and then he came in before the committee on State Government, as I recall, and said that he is now in favor of keeping the Board. So I don't think there is anything magic about what the commissioner wants in this case.

Secondly, I think the point I want to make more than any other is that if 14 people on a State Gov-

ernment Committee, who I don't believe necessarily represent any attempt to set up a czar for anyone, because as you well know, the gentleman from Lubec and I have disagreed on many instances; I don't think the gentleman from Lubec would be interested in doing that. And if for no other reason than that, I am going to support the gentleman from Lubec in his motion to indefinitely postpone the amendment from the other body because I don't believe that 14 people have been sandbagged by anyone.

Mr. Donaghy of Lubec was granted permission to speak a third time.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen: I simply rise to let you know that I have checked with our attorney. I felt sure it was here, but I am not an attorney. He tells me that under this paragraph 51, Section 3C, "It shall review" — he said that if a legal fraternity that review carries with it the implicit implication that they not only review it but they have to do something about it and can do something about it. If he were not satisfied with that, we will be very happy to amend this so that it spells out definitely that they can do something with it. He says that if it is — I like this word, it is implicit, that they can not only review but can make the ruling that goes with it.

The SPEAKER: The Chair recognizes the gentleman from Gray, Mr. Woodbury.

Mr. WOODBURY: Mr. Speaker and Members of the House: I feel the need to rise again. I didn't intend to, but I was the one who said the Commissioner of Education wants this bill. I sat with him in his office discussing this whole bill, and he told me man to man that he did want this bill. Now in my own judgment, having been in this business a long time, I know, I think, why he wants this bill, and that is because his position will be next to impossible without it.

Now in this discussion up to this point there has been an indication that for some reason I am interested in some particular Board of Education that now is serving. I tried very hard in what I had to

say not to make such an indication. Apparently it went over the heads of some of you.

I am saying that we are reorganizing government, and as we reorganize I think we can make the assumption that a board that is now in existence, not necessarily is the same board after the reorganization. The question of appointment of board members is a question that I think has to be settled later, and I try to answer this question on that account. I am not arguing for the present board, I am arguing for a board of nine members, which this committee has indicated they want.

I am also suggesting that in this amendment — there will be vacancies on this board if this amendment is passed because there are people on the board at the present time unable to qualify, simply because of the requirement that the board be a lay board.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I get the distinct feeling — I don't know whether I am right or not — I have been sitting here trying to get all steamed up, but I can't get angry like Ed Kelleher does once and awhile, so I guess I will have to take it calmly and coolly. But I get the distinct feeling that we are not supposed to question the judgment of these people on the State Government Committee. If these people decided these things were good for us, why we should okay them and let them go.

What are we spending all this time for anyway? Why don't we take the rest of these bills and if the State Government says they are okay, pass them and let them go right through.

I do want to say one other thing. I am awfully glad to see that so many of you people have changed your minds since a year ago last January about the Commissioner of Education, about the Education Department across the way here. The Education Committee got damned right and left all winter. We heard all kinds of harsh language about the Commissioner

and his whole Department, and now everything is fine and they can do no wrong. We don't need a Board of Education to control them at all. I am awfully glad you people have finally come around to see the light.

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

Mr. McNALLY: Mr. Speaker and Members of the House: I will be very brief. I want to thank Mr. Bither for the intestinal fortitude of expressing my thoughts completely.

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

Mr. JALBERT: Mr. Speaker and Members of the House: If we must have the State Board of Education controlling, as this amendment says, all the affairs, and I think temporarily the gentleman from Gray, Mr. Woodbury became a little confused. If we must have by this amendment the Department of Education control all of the affairs of vocational education, why have a director and a staff within the Department of Education? Why not get rid of them and just keep the Board of Education and have it over with?

Mr. Ross of Bath requested a roll call vote.

The SPEAKER: 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 Lubec, Mr. Donaghy, that Senate Amendment "B" to Committee Amendment "A" on Bill "An Act Implementing the Reorganization of the Department of Educational and Cultural Services," Senate Paper 721, L. D. 2010, be indefinitely postponed in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

### ROLL CALL

YEA — Albert, Bailey, Bartlett, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Brawn, Bustin, Carter, Clemente, Conley, Cooney, Cote, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Dow, Doyle, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Fraser, Gauthier, Gill, Goodwin, Hancock, Henley, Hodgdon, Jalbert, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lessard, Lewin, Lewis, Lucas, Lund, Mahany, Marsteller, Martin, McCloskey, McTeague, Mills, Murchison, O'Brien, Orestis, Payson, Pontbriand, Rand, Shaw, Sheltra, Shute, Silverman, Simpson, T. R.; Slane, Smith, D. M.; Stillings, Tanguay, Vincent, Wheeler, White, Whitzell.

NAY — Ault, Barnes, Berry, G. W.; Birt, Bither, Bragdon, Bunker, Call, Carrier, Churchill, Clark, Collins, Cottrell, Dam, Dyar, Emery, D. F.; Finemore, Gagnon, Good, Hall, Haskell, Hawkens, Herrick, Hewes, Immonen, Kelleher, Kelley, K. F.; Lawry, Lee, Littlefield, Lynch, MacLeod, Maddox, Marsh, McCormick, McNally, Millett, Morrell, Mosher, Murray, Norris, Parks, Porter, Pratt, Rollins, Ross, Scott, Simpson, L. E.; Smith, E. H.; Susi, Trask, Williams, Wood, M. W.; Wood, M. E., Woodbury.

ABSENT — Baker, Bedard, Brown, Carey, Crosby, Cummings, Drigotas, Dudley, Genest, Hardy, Hayes, Jutras, Lincoln, Lizotte, Manchester, McKinnon, Page, Rocheleau, Santoro, Theriault, Tynedale, Webber, Whitson, Wight

Yes, 71; No, 55; Absent, 24.

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

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, I would like to ask for reconsideration and ask you to vote no against me.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves that the House reconsider its action whereby it indefinitely postponed Senate Amendment "B" to Committee Amendment "A".

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

Mr. MORRELL: Mr. Speaker, I ask that this be tabled one day.

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

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. Morrell, that L. D. 2010 be tabled for one legislative day, pending the motion of Mr. Silverman of Calais to reconsider. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, to reconsider. The Chair will order a vote. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, Committee Amendment "A" was adopted in non-concurrence.

The Bill was assigned for third reading tomorrow.

The following Communication:  
The Senate of Maine  
Augusta, Maine

March 1, 1972

Hon. Bertha W. Johnson  
Clerk of the House  
105th Legislature  
First Special Session  
Dear Madam Clerk:

The Senate voted to Insist and ask for a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

DUNN of Oxford  
TANOUS of Penobscot

CLIFFORD

of Androscoggin  
Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

Mr. Sheltra of Biddeford was granted unanimous consent to address the House.

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: As a taxpayer and as a Representative of the City of Biddeford, it came into my hands this morning a communique, put out by the Maine Teachers Association, that disturbed me to no end. I am talking about the titular head, who represents the Maine Teachers Association.

I was elected by the people and to serve the majority of the people in the best manner I can see fit as a Representative. This communique was in reference to L. D. 1974, which dealt with educational policy. The communique reads as follows:

"Your response has helped kill L. D. 1974 — at least for this year. The Senate voted 25-4 to refer it to the 106th Legislature. The following list of Local Legislators indicates how they voted."

I wasn't so much disturbed with this part as with the part that follows. That really disturbed me.

"The voting record indicates that we have very little support in the House. Perhaps political involvement of teachers will help change that record. You may also be able to use this record as a guide during the next election." I can't help but to take this as somewhat of a threat.

And in talking with some of the teachers that were present, after our caucus this morning, I found that they knew nothing about this communique. This had to come from the heads of the organization itself. And this is the body that I am addressing myself to, because I have the highest regard for the teachers in the State of Maine. I am sure that the majority of them want nothing to do with the educational policy, they want to teach our children.

And I am sure that they don't all aspire to come up here and become lawmakers; this is not why they are being paid. And I for one will not serve a special group. My constituents in Biddeford are fed up with taxation, and I think that each group should be dealt with accordingly and that no special interest group should have more than their share of our tax dollar.

I think that what has happened here in the MTA, they were caught with their pants down. They never thought that this bill had a chance to pass. They made an eleventh hour appeal, and Dr. Marvin himself finally showed on the scene, when we finally posed a threat to this bill becoming a law. I think that it is high time that we look out for our constituents and our taxpayers and that we don't play partiality to any of them. I did want this to go on record as a taxpayer and as a legislator from my City of Biddeford.

Mrs. McCormick of Union was granted unanimous consent to address the House.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I would just like to state that I too, saw this document this morning. I left the caucus this morning to call John Marvin and ask for a copy of the Unigram that pertained to Knox County. I was told by him, on the phone, that this was not sent out by his office. Knox County was printed elsewhere.

My next question to him was, "Just where is the Knox County paper published from?" He said he didn't know, but he would check it out and let me know if there was, in fact, such a paper coming out. Mrs. Berube can verify this, as she was in the ladies retiring room at the time I made the phone call. When I hung up we discussed the matter. In fact, in about ten minutes, the young lady sitting up front that operates the microphones came into the retiring room and told me that there was someone in the hall to see me. It was a courier from the MTA office and she handed me this note.

"The Uniserv office covering Knox County has not issued any Unigrams to date," and it was signed by John Marvin.

Since that time I have heard from several representatives that these unigrams are already to be mailed and may already be in the mail by now. When this bill was discussed on the floor of this House, everyone referred to the profession of teaching. Now, I ask you, how professional is this tactic?

We have not been subjected to this way on any issue by any other professional group. We were elected by the people to represent all of the people not just the teachers in our areas. We all got letters and cards from the teachers telling us to vote against 1974 but if any of you checked with any of the teachers, you probably found that they hadn't even seen the bill but were going on the word of the MTA, that it was a bad bill for teachers.

I only talked with two teachers who had really studied the bill and knew what it was all about. We, as representatives, sat here and listened to all of the debate and then voted the way we felt it would best help the taxpayers back home.

Now the MTA told one representative in this House this noon that they were going to print the roll call vote in their next issue and state that we were against the teachers. John Marvin is going to twist this story to his advantage, you can count on that.

The MTA is also asking their members to use this list as a guide in the next election. If there is ever to be harmony between the teachers, the taxpayers and this and future legislatures, it will have to begin with the removal of the head of the MTA.

Need I say more.

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of this House: I am very surprised to see the kind of tactic that has been used by the MTA by attacking me and twelve others in my county, attacking me personally, in a unigram which is being issued in our county and is to be used in every teacher's lounge in every school.

I would like to read it to you in part, and I quote. "The voting record on L. D. 1974 indicates that

we have very little support in the House. Perhaps political involvement of teachers will help change the record. You may also be able to use this record as a guide during the next election." And, on further, and listed on one side of this unigram are those who voted for the L. D. 1974 and those who voted against it.

This is blackmail on the members of this House who voted for the bill.

We represent our people, our taxpayers. I am on the school board in Sanford and I am here to do a duty for the majority of the people in my town and I expect that no one is going — they can challenge me to do whatever they want in election time. But when I get out of here, I will feel that I have done my duty and done it honestly.

We have excellent teachers in our town and in the state, ladies and gentlemen. But I say to you that this kind of tactic by the home office here in Augusta of the MTA is hurting our good teachers and hurting them badly and I want to say that this unigram was not signed by anyone. But we finally found out that it was this District Manager of the MTA in our county that issued these unigrams.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I have not received any unigram yet pertaining to the people in my area and how they voted on this, but I have been assured that this will be sent out and it will be in my area by the time I arrive back there tonight.

I am very proud that many members of the House have seen fit to go along with this bill and to stick with it. As I said one time, this is not a bill to hurt teachers and I definitely am not against teachers because I feel in my district we have very good teachers.

But I do feel that the MTA has taken a very definite and wrong approach to try to kill a bill. I do not even, today, I would not lower the lobbyists on this floor — out in the hallways they have been lobbying — by classing the MTA

with lobbyists. Because of the lobbyists I have done business with, they were the ones that helped me with bills. I found them to be honorable people. But with this MTA communicate coming out in the form of a unigram, to me, this is a threat and this is one of the dirtiest, rotten, lowhanded, underhanded things that ever appeared in my two terms being in this House, and if I were John Marvin I would be ashamed to show my face in this building or on the streets of the State of Maine to allow something like this to go on.

And as far as the MTA publishing the record, I say to them publish my record of how I voted on this, because I would be proud to go back in my community and I hope very one of you that supported the bill would be proud to go back and say we didn't buckle down to a man that has come in from out of state, that couldn't run his affairs in the state he comes from, but he has come into Maine to disrupt our teaching profession and this is the thing this man is doing.

This man is setting board members and legislators against the teachers, they are turning the common citizen against the teachers, and this is through this tactic that he is using, and this is not a good form to use and I do not even consider John Marvin a man.

Mrs. Doyle of Bangor was granted unanimous consent to address the House.

Mrs. DOYLE: Mr. Speaker and Members of the House: Although I do not always support everything the MTA does, I do support their right to lobby.

I said it earlier today to some of the gentlemen who were involved in this issue and I will say it again publicly. I think that they are acting like a bunch of spoiled children, that it is overreaction on their part. It is very interesting to see how uncomfortable the shoe fits when it is on somebody else's foot.

As you all know, last year, I was subjected to some tremendous insults from a very powerful lobbying group and it doesn't seem to me that any of the gentle-



men who have spoken cared the least bit about that.

If I had gone around crying about it, they would have said, "Oh, the poor girl, she is not tough enough to be in politics." Well, if they are not tough enough, I think they should take Harry Truman's advice. I think it is a disgrace that what I was subjected to was all right, because the lobbying group in that case was a religious group.

Mr. Hodgdon of Kittery was granted unanimous consent to address the House.

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I guess it goes without saying that I fully concur with the previous remarks that have been made in regard to this so-called unigram. But I would suggest to the previous speakers that they have some hope left.

I have in my possession, the unigram from York County and every Senator and every Representative in York County is listed except the gentleman from Kittery and I have nothing left to say but apparently they have run me out of the county already so I am done.

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

Mr. JALBERT: Mr. Speaker, Members of the House: There has got to be some levity to everything and I have been listening very intently to the remarks that have been made by all the previous speakers who certainly have a right to their opinion and it is great to get it out of your system. But you know, with me, I just think back over the last two decades and find that if I had blown up every time somebody said something against me, I would be long gone.

But I think the remarks that interested me more than anything else, and they confuse me a little bit, were the remarks that the lovely young lady from Bangor, Mrs. Doyle made, and I was confused. When she was talking about my very dear friend from Missouri, the former President, was she talking about what he said about getting out of the kitchen or was she talking about what he

called Drew Pearson when he said his daughter Margaret couldn't sing?

Mr. Simpson of Millinocket was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make my position very clear. I knew that there were two issues behind this bill. Not one of them came out but they are coming out now, at least one of them has come out now. One was John Marvin as head of the MTA, the other was the teacher tenure law. Those two issues were in the back of everyone's mind because I talked to a great number of you during the debate on 1974.

I just want to make it very clear for the record that I did not, at any time, represent John Marvin nor John Marvin's thinking. I represented the teachers; not the MTA, but the teachers. And this is 1974, I will say it right out loud, it is not a good bill, it is not good for the teachers.

I have been negotiator at the negotiation table and I know what can happen and you get there one set that will happen with all school boards, but you are going to find, that if this law were to go through as is, you would find some of those school boards in which the school teachers could not do a thing in negotiations because they would use that language in their bill to circumvent any attempt on the part of the teachers to negotiate.

#### Passed to Be Enacted Emergency Measure

An Act relating to Kindling Out-of-door Fires (H. P. 1480) (L. D. 1923)

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

### Emergency Measure

An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions (H. P. 1494) (L. D. 1937)

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

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

Mr. LEWIS: Mr. Speaker and Members of the House: You have heard the Dresden story repeated several times. I don't intend to repeat it again today. I would only hope that I would get the support that I did previously when this was passed to be enacted.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mr. Dyar of Strong was granted unanimous consent to address the House.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to stand here this afternoon and state publicly how proud I am of my seatmate. I would like to concur with the thinking of Mr. Dam and paraphrase the old song to Mr. John Marvin — If he knew Susie like we knew Susie.

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

Joint Order re study to review, study, analyze and evaluate all appropriations and expenditures from the General Fund for the purpose of developing greater efficiency and economy in State Government.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: It is with regret that I rise to oppose the passage of this order. In considering the order's broad implications, it seems to me that with one survey of state government taking place this

year, a second study will confuse and confound the whole scene. Rather than run these two studies simultaneously, I would move the indefinite postponement of this order, with the hope that the gentleman from Lewiston, Mr. Jalbert will offer this order at the next regular session of the legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to make an issue of this order. I am just going to make a statement up against it, then you can do what you want to do.

You know, for many many years we have heard about the University of Maine and about certain departments, that we are doing this and we are doing that. We have an agency in the committee to do this. As a matter of fact, there was absolutely no need for me to even bother putting in the order, because the order would be referred to the Governmental Operations Committee and the Research Committee, and I happen to be vice-chairman of that committee.

But I just wanted to show you that I wanted to do something. I don't take issue with Mrs. Payson, as far as the order that she put in. I had the order that she put in in my drawer here three weeks before she put it in. But I didn't put the order in for a very simple reason, for the simple reason that we were told that this thing would need about \$100,000. And I spoke to the person who will be the incoming member of the Associated Industries of Maine last night at dinner, in town, I spoke to the former president of the Associated Industries of Maine, and he said, "We're not going to put one-red-cent into that survey."

Now we have an agency that can do this thing, and to be very honest with you, the major reason for my order was I wanted to finally get my prongs on the deadwood that exists at the University of Maine in Orono. We yak and we talk and we talk and we yak about doing something, and I am sick and tired of seeing us put in orders and hire outsiders to do the

work that actually we can do ourselves, at a great cost.

You know, before we put in an order to have something referred to the Research Committee before the legislature adjourns, and I think you could put an order, pass an order that would almost exterminate everybody in this House because everybody wants to say, "Well, the Research Committee." But after the Research Committee is named, the often heard remark is, "Whatever they recommend we don't want. Whatever they do isn't any good anyway."

Now I put this order in because I have been around enough semesters to know that we can do something about it. And I have the gentleman in mind that could do something with me with this order, and I speak of Sam Hinds with whom I have fought with on the floor of this House tooth and nail. But as a ferreter there is none better in this country to my knowledge. And I wanted to just go to Orono, and Portland, and Washington County, and Gorham, and Farmington and Fort Kent and just look around a little bit. And believe you me, it might be that we might cut down.

Now you can do what you want with this order. I guarantee you the other one won't amount to anything because you can't get the money to do it, but you have got the agency to do this and you have got the manpower to do it; you have got the people who are willing to do it.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that this Order be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

55 voted in the affirmative and 51 voted in the negative.

Mr. Jalbert of Lewiston requested a roll call vote.

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

vote will vote yes; those opposed will vote no.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I guess it is getting a little late and I got up quite early and I am tired. But I spoke to the gentle lady from Falmouth, Mrs. Payson, today and told her in no way at all did I intend for this to go into conflict with her own position. And I know the position that I am taking is the right and correct position. I think that the other order that was passed, I voted for, as I stated, I could have put in three weeks before she did because I had it drafted three weeks before she did. But I found out afterwards that I was off base with it and I found out that we couldn't have an arena in order to do the work. So consequently this order here, at least for no other reason but to keep the thing alive in the other body, or later on to find out if we can find some way to fund it. I would be very happy to go to the other body and say kill mine. But I certainly think we should keep this one alive also.

I am not making a big issue out of it. I spoke to Mrs. Payson and she knows that I told her I was in no way trying to go into conflict with her. She can have all the thunder, it is perfectly all right with me. I would like to get my prongs on deadwood.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with my friend from Lewiston, Mr. Jalbert, but I hope you will continue to support the motion of Mrs. Payson. It seems to me this order is very broad, and that if Mr. Jalbert had wanted to pin down his investigation to the University of Maine, he should have said so in the order. I don't blame him for wanting to visit the campuses and

see how the styles have changed and so forth, but let's have an order which pins down what they want to investigate.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Today I have tried to make some levity about what I consider a very serious problem, and I have always considered is a very serious problem when somebody's character and integrity is attacked and he can't come in here to defend himself, but that is beside the point. Those that do it, it is perfectly all right with me.

I am going to give a message that I am not at all surprised at the last speaker, the gentleman from Freeport, Mr. Marstaller, getting up, and I do not intend to lose my cool because as I say, I am tired and I want a comfortable ride home with my seatmate. But I want to tell the gentleman from Freeport, Mr. Marstaller, that I know what the styles are, and you had better believe that I know what the styles are, each and every day of the week. I know what the colors are; I know how to wear them.

But I want to tell you one thing right now, I also know one thing, I know what good and bad government is, and I don't put orders in just to hear myself think or just so I can get up and speak on an order. It was perfectly all right, however, at the very beginning of the last session when Mr. Marstaller and the good lady from Falmouth wanted to get under a bill that I presented that saved millions of dollars and will cost millions of dollars because I agreed to it, that was perfectly all right to team up then.

I don't care which way or however this order goes. I will tell you one thing right now, we have been here now going on six weeks, and I think we have wasted four of them either insulting one another or else not doing anything, and I am tired of it for one.

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

Mr. KELLEY: Mr. Speaker and Members of the House: I am sorry that the gentleman from Lewiston seems to have lost that sense of humor which he was telling us about a few minutes ago. I, too, agree with the lady from Falmouth, Mrs. Payson. This, in effect, is a blank check; it doesn't say anything about the University of Maine. And in the six years that I have been around these hallowed halls in one capacity or another I have found that this happens more often than not. Along toward the end of a session a resolution is submitted to investigate something after the session—county government, state government, the University of Maine.

Now I am not saying that this is merely a gimmick to keep unemployed legislators in beans between sessions, but I do think that we should, in presenting resolutions such as this, be specific as to what we mean and what areas of government we are going to investigate. I urge you to adopt the proposal of the lady from Falmouth.

The SPEAKER: The yeas and nays have been ordered. The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that this Joint Order be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Ault, Bailey, Barnes, Bartlett, Bernier, Berry, G. W.; Berube, Birt, Bither, Brawn, Bunker, Call, Carrier, Churchill, Collins, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dyar, Emery, D. F.; Farrington, Gagnon, Gill, Hall, Haskell, Hawkens, Henley, Herricke, Hewes, Hodgdon, Kelley, K. F.; Kelley, R. P.; Lebel, Lee, Lewin, Lewis, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCloskey, McCormick, McNally, Millett, Morrell, Mosher, Murchison, Murray, Payson, Porter, Pratt, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Stillings, Susi, Trask, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Berry, P. P.; Binnette, Boudreau, Bourgoin, Bragdon,

Bustin, Carter, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Emery, E. M.; Faucher, Fecteau, Finemore, Fraser, Gauthier, Good, Goodwin, Hancock, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lucas, Lynch, Mahany, Marsh, Martin, McTeague, Mills, Norris, O'Brien, Orestis, Parks, Pontbriand, Sheltra, Silverman, Slane, Smith, E. H.; Tanguay, Whitzell.

ABSENT — Albert, Baker, Bedard, Brown, Carey, Crosby, Cummings, Drigotas, Dudley, Evans, Genest, Hardy, Hayes, Immonen, Jutras, Lessard, Lincoln, Lizotte, Manchester, McKinnon, Page, Rand, Rocheleau, Ross, Santoro, Theriault, Tyndale, Vincent, Webber, Whitson.

Yes, 69; No, 51; Absent, 30.

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

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

Report "A" (6) Ought to pass in New Draft — Report "B" (4) Ought to pass — Report "C" (3) Refer to the 106th Legislature — Committee on State Government on Resolution Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation (H. P. 1550) (L. D. 2009) — New Draft (H. P. 1597) (L. D. 2052) under new title "Resolution Proposing an Amendment to the Constitution to Provide for District Election of Executive Council Members."

Pending — Motion of Mr. Simpson of Standish to accept Report "B."

Thereupon, Report "B" was accepted, the Resolution read once and tomorrow assigned.

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

Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Sin-

gle Member Districts (H. P. 1543) (L. D. 1999)

Pending — Passage to be engrossed.

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

Mr. BIRT: Mr. Speaker and Members of the House: I have done a good deal of work on this bill, and I have done it because I believed something had to be done. And there has been prepared an amendment on your desk. It is quite an extensive an amendment, H-616. I would hope that you would take and give this a good look over tonight and then we could discuss it in the morning. I think there are some good points to it. I think there are some fair points that might want to be evaluated.

We also have quite a bit of work to do on the appropriation measure that I would like to see move along and I know there are quite a few amendments to that. So I would hope that in light of this somebody would table this until the next legislative day, and we could work on it at that time.

Whereupon, on mention of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Implementing the Reorganization of the Department of Finance and Administration" (H. P. 1546) (L. D. 2002) — Committee Amendment "A" (H-578) as amended by House Amendment "A" (H-586) thereto adopted.

Pending — Passage to be engrossed.

On motion of Mr. Cote of Lewiston, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 768) (L. D. 2047) — In Senate, passed to be engrossed as amended by Senate Amendments

“D” (S-365) and “J” (S-372) — In House, Senate Amendment “D” as amended by House Amendment “A” (H-590) thereto adopted in nonconcurrency. Senate Amendment “J” indefinitely postponed.

Pending — Passage to be engrossed.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be engrossed and tomorrow assigned.

Mr. Trask of Milo presented the

following Order and moved its passage:

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

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

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.