

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

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

**Index**

**1st Special Session**

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

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**KENNEBEC JOURNAL  
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## HOUSE

Thursday, March 2, 1972

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

Prayer by the Rev. Mr. R. O. Richardson of Farmingdale.

The journal of yesterday was read and approved.

### Papers from the Senate Tabled Later in the Day

From the Senate: The following Order:

ORDERED, the House concurring, that there is allocated from the Legislative Account the sum of \$3,000 to the Joint Standing Committee of the Legislature on Health and Institutional Services to continue its study of the State Departments of Health and Welfare and Mental Health and Corrections as authorized by Joint Order (S. P. 615) at the last regular session; and be it further

ORDERED, that members of the Committee shall be compensated at the rate of \$20 per day for every day spent in actual performance of their duties and within the limits of funds provided (S. P. 776)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Millett of Dixmont, tabled pending passage in concurrence and later today assigned.)

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

Bill "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature and a Pay Raise for Members of the Legislature" (H. P. 1450) (L. D. 1893) which was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in the House on February 25.

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

In the House:

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

Mr. SUSI: Mr. Speaker, I would move that we recede and concur.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to — I can't seem to find that amendment. I don't know if everyone is familiar with what the other body has done to this bill, but until we know I would like to have this tabled.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The only thing that the amendment from the other body does is to give a slight increase to those two Indian representatives that presently serve in the Legislature when we are in session.

Thereupon, on motion of Mr. Henley of Norway, tabled pending the motion of Mr. Susi of Pittsfield that the House recede and concur and later today assigned.

### Orders

On motion of Mr. Collins of Caribou, it was

ORDERED, that Betsy Morrell and Laura Lock of Brunswick be appointed to serve as Honorary Pages for today.

Mr. Stillings of Berwick presented the following Joint Order and moved its passage.

WHEREAS, endowments are frequently made to incorporated public charities in reliance upon the fact that such endowments are to be used for the chartered corporate purposes of said charities; and

WHEREAS, the donors of such endowments frequently do not contemplate or provide for the contingency that may occur whereby the corporate purposes of an incorporated charity for which the endowment was intended to be used may be changed; and

WHEREAS, state law, Revised Statutes, Title 13, section 934, provides that any corporation organ-

ized without capital stock may change its purposes subject only to certain conditions provided in the Revised Statutes, Title 13, section 201; and

WHEREAS, there is, therefore, no assurance under present state law that a donor's funds will be applied as originally intended pursuant to the chartered purposes of a public charity; and

WHEREAS, such law only serves to frustrate the will of a giver and may operate to inhibit future acts of benevolence; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the provisions of existing law which provide a means whereby the chartered purposes and powers of charitable corporations can be amended and to determine whether or not it is in the best interests of the State to amend the law to provide greater assurance that a donor's funds will be applied in the manner intended; and be it further

ORDERED, that the Attorney General is instructed to provide the Committee with such information or technical assistance as the Committee deems necessary or advisable; and be it further

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

ORDERED, upon passage in concurrence, that a copy of this Joint Order be transmitted forthwith to said Attorney General as notice of the pending study. (H. P. 1602)

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

### Third Reader

#### Tabled Later in the Day

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)

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

The SPEAKER: The Chair recognizes the gentleman from South

Portland, Mr. Gill.

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I would move that we reconsider our action whereby we accepted Report B, and my purpose for reconsideration is so that we could consider the adoption of the first report. I will state briefly just what my objections to Report "B" are.

I object to this because this calls for the election of the Legislative Council by the members of the House with no regard to their place of residence or area of the state. And it could develop into a popularity contest in which it could be conceivable that all the members could be from the same area, and I do not feel that this would be right at all.

It provides for no geographic distribution in the Legislative Council, while the first report provides that the Council shall be elected from the Councilor in the district elected by the senators and representatives from that district. This would result in the makeup being bipartisan in nature with all the geographic Councilor Districts being represented.

And for this reason I would ask you to reconsider the adoption of Report B.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I would respectfully differ with my seatmate because I think there are other aspects to this legislation which are equally important or perhaps more important than that of geographical representation, and I think the matter of geographical representation could be taken care of by amendment if that was important.

But I think more important is the fact that the other report to which my seatmate indicates a preference would not provide for the opportunity for close liaison between the Council and the Legislature. But there is an advantage I think from selecting the Council by one means or another from within the membership of the Legislature. As I understand

the other report, it would not have that provision.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I also rise in opposition to the motion made by the gentleman from South Portland. I think that we ought not to reconsider. We are on the right course. I don't believe that there is much of any real problem with the fact of distribution. If you take a look for example at the leadership in this House, you certainly can't say that it is organized in one county, very few leaders will obviously come from the same town, and so I don't see any real problem.

I certainly hope that you would vote against the motion made by the gentleman from South Portland, Mr. Gill.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I arise this morning in support of the motion to reconsider. I do support the thinking of the Representative from South Portland, Mr. Gill, but I think also if we were to reconsider and back down, this report was adopted rather quickly yesterday, I think we had had a long debate on another issue, and when this one came up we weren't ready for an action then. The motion went through, which is our fault, went through much quicker than somebody expecting somebody else to move and went through quicker than we anticipated.

I believe that if we were to reconsider and go back down to the position of making a decision on the original report, then we would have an opportunity to discuss all three phases of the report. I hope you will give consideration to reconsideration of the acceptance of Report B.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: It would seem that we are faced really with three choices

this morning. We can reconsider and we could accept Report C, which is referral to the 106th, and pretend that the Executive Council is not seriously ill and that it can wait until next year for another checkup. Or we could reconsider and accept Report A, put a large bandaid on the Council, and hope that its illness by some miracle might go away. Or we can do what is right, we can pass Report B to be engrossed and give the Executive Council what we know it really needs, and that is a frontal lobotomy.

If we don't go all the way and accept Report B, and if we reconsider and accept Report A, which was signed by six members of the emerging Minority Party, then we will merely perpetuate an obsolete and undemocratic body.

Report A will only correct one inequity in the Council — that is, it will allow for some bipartisan membership, but if the balance of power is held by the opposite political party of the Governor, nothing will really have changed.

We will still have a willful, headstrong group of men responsible to no one merrily spending money at the other end of the corridor and deliberately thwarting the will of the Legislature and laughing in our faces while they do it.

From a personal standpoint, I should support reconsideration and be supporting Report A. My Councilor District will always be Democratic and 1973 is Sagadahoc County's turn, and as of right now I am the only Democratic legislator from Sagadahoc County, as well as the Democratic State Committeewoman.

But we Democrats in Sagadahoc County are willing to make a sacrifice if it means the final demise of that monstrosity which is cluttering up the Constitution and impeding the progress of good government. I therefore urge you not to reconsider and to pass Report B to be engrossed.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Following the remarks of the gentlewoman from Bath, Mrs. Good-

win, I also am opposed to reconsideration, but for a slightly different matter. I always thought that popular election would be a pretty good thing, but as I think about it further I think it would be very difficult to find qualified candidate to campaign from large districts just to be an Executive Councilor. And as far as areas go, my district which is Sagadahoc, Androscoggin and Franklin, I can't quite picture a person from Sagadahoc getting elected, especially if he were a Republican.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion to reconsider. I think that L. D. 2009 has been on your desks now for quite some time. I think it has been discussed, at least in our caucus, quite considerably. I hate to believe that people sat here yesterday and just let something go through because they didn't know what they were doing.

I believe it is time that the Legislature owned up to its responsibility to the handling of all functions of state government. I think that the Executive Council is one part of our legislative operation that needs strengthening, and it needs to strongly serve as an arm of the Legislature as it should.

Report B would be the acceptance of L. D. 2009, as it was printed. On your desks this morning is an amendment which I would like to offer to the bill, which would clear up some of the problems that people have said they thought was in the bill.

I would like to first say that I had no personal feelings or hard feelings or anything else, or any disrespect for the present members of the Council, or other members of the Council, in the years gone by. I just feel that it is time for the sake of good government in this state that the Legislature, as I said before, assume its dual role in the operation of our government.

Now L. D. 2009, and if the amendment were attached to it, would allow for a make-up of a new legislative Council which would be comprised of eleven men.

The Minority Party would always be represented on the Council. The leadership in both bodies, namely the Speaker of the House, the President of the Senate, and the Majority Leader and the Minority Leader of both bodies, would automatically be members of the legislative Council.

The other body would elect one member at large. The House would elect four members at large, one coming from the Majority and one coming from the Minority Party. This would give a Council of eleven members made up of eight, in all probability, of the Majority Party and three of the Minority Party. One other change in the amendment would have the effective date of January 1, 1975. This would be a Constitutional amendment and would be sent to the people for their decision, and I think it is time we asked the people whether they really want a change in the Council that we have now.

If this were ratified by the people in November of this year, the 106th then would be given the responsibility to change the statutory functions of the Council. I believe that many of the statutory functions of the Council right now belong in the hands of the Legislature and should rightfully be there.

Under L. D. 2009 you would also have two other constitutional amendments in it. One amendment would call for the Secretary of State and the Governor to review the ballots on the elections. Another would be that the Parole Board and the Governor would handle pardons rather than the Council.

It has been suggested that the leadership would be on the Council and therefore would be a busy man and not be able to fulfill their duties. I disagree with this because I think that when you want a good job done you go to a busy man. I think furthermore that the leadership and the members of this Legislature and any other legislature would have a distinct pulse on the feeling of the Legislature as to how their duties and their feelings should be handled when we are

not in session. And that is the responsibility of the Council.

It has been suggested that there would be a separation of powers between the executive branch and the legislative branch. I asked the Attorney General three distinct questions.

1. Is the Executive Council a part of the Executive or Legislative Department?

The answer —

The Executive Council is a part of the Executive Department. The Constitution of Maine, Article V, Part Second, Section 1 reads:

“There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this State,” and underlined. “to advise the Governor in the executive part of government.” I will not read the rest of that particular opinion.

2. I asked would the proposed Legislative Council be a part of the executive or legislative department.

The answer —

The proposed Legislative Council would be a part of the executive department. The duty of the Legislative Council is to advise the Governor in matters of appointments. “Appointments belong to the executive part of government.” And this is by opinion of the Justices.

Question 3, and I think this is the most important question that was asked and answered. Is the proposed constitutional amendment in violation of Article III, section 2 as related to separation of powers?

And the answer —

Article III, section 1 divides the powers of government into three departments, the legislative, executive and judicial. Section 2 forbids a person belonging to one of these departments from exercising any of the powers properly belonging to either of the others, and underlined, “except in the cases herein expressly directed or permitted.”

The fact that the Legislative Council is composed of members of the Legislature and performs acts in the executive department does not violate the separation of powers provision quoted supra. The

exception clause of Article III, section 2 relates to provisions appearing within the Constitution and expressly giving a person or persons belonging to one department authority to perform functions in one or more of the other two departments. The Legislative Council would be a “case(s) herein expressly directed or permitted.” and sincerely signed, James S. Erwin, Attorney General.

Ladies and gentlemen, I believe that the Executive Council is an arm for the legislative branch and I feel that as long as it is an arm of the legislative branch I feel that we should make sure that we are that arm and that we are truly represented when we are in session and out of session.

As one final comment, I think that one of the arguments that was put forth here a few minutes ago about having these Councilors elected, the mere fact that we have a so-called gentlemen’s agreement that we don’t ordinarily elect the best man but we rotate it from county to county just to pacify people is probably the best example of the poorest form of government we have got and the reason why we need not reconsider, but we should consider a real good strong proposal to strengthen the Council and have our back behind it.

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

Mr. GILL: Mr. Speaker and Members of the House: I would just refer to the legislative document that I would be in favor of, which is 2052, and for the edification of Mr. Ross from Bath this is not a popular election involved here. This is made up from Republicans and Democrats in the present Councilor Districts. They would be elected by these people first representing the Councilor District.

I would also put forth once again the argument — what guarantee have we got under this particular Legislative Council that all the representation of it would not come from one area? And apparently the gentleman from Standish is not too concerned with this. However, I think we should be con-

cerned with this because all of the people in the State of Maine they should be represented on this Legislative Council, and this can only be done by keeping the Councilor Districts.

Apparently Mr. Lund feels that there would be a closer relationship with the Councilor, and my only answer to this would be that there is usually a close relationship if you have supported the Councilor, and it wouldn't be any different under this.

Under the proposal of Mr. Simpson the members of the Legislature they would be the ones that supported and elected a Councilor and this Councilor would be close to the ones that supported him and not so close to the ones that did not, which is the present thing.

But my chief concern is that with a population growth going as it is to the metropolitan areas, especially where this takes place in 1975, and there will be a real apportionment by the House and we are all aware that metropolitan areas that they are going to gain strength, is the fact that I can see the time when either Cumberland County combined with Penobscot or Aroostook could elect all these members to this Council.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Speaking as an individual legislator, I would like to observe that for those of us who believe that the time has come for change in our Council setup, as a practical thing this is our opportunity now to move for a change. There is widespread support in the Legislature, and I believe throughout the public, for a change in our Executive Council and we find ourselves now in a rather typical legislative position of picking upon a particular provision, objecting to minor details of this particular alternative which is before us today.

I believe that the record shows that the sponsor and others involved have compromised until there is no compromise left in an attempt to get widespread support for this, and now it is being attacked on a parochial basis that

this fear that the Legislative Council members won't come from each and every hamlet throughout the state, and when this objection if it could be overcome, if it were overcome then there would be some other nit picking detail.

I think as a practical thing, if we want to move as I believe we should move in this area of the Executive Council, this is our chance, that the proposal before us is moderate and reasonable, it is 1975, it gives us plenty of time to think over the errors of our ways and correct them if we have made an error.

I hope that you would oppose the reconsideration motion before us and accomplish a meaningful change in government.

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

Mr. MORRELL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to reiterate some of the words that have been said previously in support of not reconsidering this morning. It does appear that most of us realize that there are imperfections in the present Councilor system, that we do need more control from part of this Legislature on how money is spent when the Legislature is not in session. It appears to me that Mr. Simpson's proposal is a reasonable one. It has been stated that it is moderate. I agree, I do think it is moderate. I think that if there are slight imperfections in it that these can easily be remedied through amendment now, or remedies later on.

I hope that this morning we can take a positive step toward a re-vamping of this Council regardless of what we call it. I feel that if we go along as we have started to go without reconsideration and support the bill as proposed that we can achieve this improvement in state government. I hope that you do that this morning.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I will vote this morning for reconsideration, because like a lot of others I feel that the Executive Council



is a very needed instrument in our state government. I think it is a good check and I think we that we needed it in the past and we need it in the future. And the reason why I will vote for reconsideration will be due to the fact that I am not in favor of actually putting on the Legislative Council members of the Majority and Minority leaders of these parties. It seems to me that it is about time that we realized that in this Legislature and in other legislatures that we also have some very capable people although they are not leaders in the party.

I do not like the way that it is in the original bill and if you notice that the amendment, which I don't think has been presented yet, but it will be, it also increases the number of the members of the party that are to be elected in the House from three to four. So we are getting into a bigger and a bigger affair all the time.

I believe that the — I actually at first I liked that bill 2009, but I just don't like that part of it being that certain members of the House or future houses being put on there. I think that everybody should have a chance at this

So this is why I have talked this over with others. I have suggested at times that either the Council should be elected or else at least have a split on the representation of the Council, and I don't think that 2009 does this, and this is why I will vote for reconsideration, and if it prevails I will vote for acceptance of Report A.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from South Portland, Mr. Gill, that the House reconsider its action of yesterday whereby it accepted Report B 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, House Paper 1550, L. D. 2009. If you are in favor of reconsidering you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 78 having voted in the

negative, the motion to reconsider did not prevail.

Thereupon, Mr. Simpson of Standish offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-619) was read by the Clerk and adopted.

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

Mr. McTEAGUE: Mr. Speaker, I would move that we reconsider the adoption of House Amendment "A".

The SPEAKER: The gentleman from Brunswick, Mr. McTeague moves that the House reconsider its action whereby it adopted House Amendment "A".

The motion prevailed.

The SPEAKER: The gentleman may proceed.

Mr. McTEAGUE: Mr. Speaker and Members of the House: As the gentleman from Standish, Mr. Simpson has candidly stated, House Amendment "A" would result in a Legislative Council with the Majority Party membership eight and the Minority Party membership three. I know that at times when we want improvements we must make some compromises. A few people, and I assume this includes the sponsor of L. D. 2009, can have everything they want. But I think that one of the prime evils of the Executive Council as it exists now is the disproportionate representation, the fact that it is a seven-0 group.

My good friend and leader of our party, Mr. Martin has reminded me that seven-0 is worse than eight and three, and I agree with that. I think that when we have two parties in Maine, which are roughly equivalent to legislative size as they are now, as we look to the future probably the two parties will bounce back and forth, with one having the minority sometimes and the majority at others, but that they will be fairly close.

As we all well know, we now stand 18 to 14 in the Senate and 80 to 71 in this branch. Setting up an eight to three ratio in an attempt to reflect that does not create a Council that is representative of the Legislature. It would create a Legislative Coun-

cil which certainly does have at least some voice with the minority, but I fear that three out of eleven is such a small voice as to be insignificant.

I understand that there is in the process of being prepared another amendment which would provide that the membership on the Legislative Council would more closely approximate the party strength in both houses than this amendment does. I suggest that if we are to have a Legislative Council with eleven members, and we have a breakdown between the parties in the House and Senate like we do now, that it would be much more equitable to have membership in that Council on a party basis at six-five, which would very closely approximate the party strength in the two branches.

I know that it is difficult to get two thirds in order to pass a constitutional amendment, but I know that both parties feel the push from the public, and very rightfully so, to do something about the Executive Council. I do feel that this bill, this L.D. 2009, does have the advantage in that it would result in a closer tie to the Legislature than the current Executive Council has, but I fear that we perpetuate the inequitable representation that now exists. And even though seven-0 may be better than eight to three, whether you have lost a vote by eight to three, by seven to zero, it seems to me you are still lost and you don't have proper representation.

I think, Mr. Speaker, that if we were to adopt House Amendment "A" and in the event that we would go to the people and be approved, that we would have changed the appearance of things but we really would not have changed the reality. It strikes me that seeking after reform is not merely seeking after a cosmetic window dressing, but seeking after a substantial change in things there are two evils at least to the current Executive Council system. One, it is sometimes not as closely in tune with the Legislature as it should be; and two, it is not equal or fair representation.

Eight to three is an improvement. I guess it is an improvement to a man that doesn't have the vote at all, to say to him that his vote shall be worth one half or one tenth of the vote of his other fellow citizens. But I don't think it is adequate, and as one individual, to me it is not acceptable.

I would hope, therefore, that we would indefinitely postpone the amendment before us, or the proper motion, Mr. Speaker, is that it not be accepted. I hope that we would do that so that we can come up with an amendment—and I think there has been one worked out in the committee, and this just possibly would be sponsored legislation, which would more nearly reflect party strength in both houses.

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

Mr. MARTIN: Mr. Speaker, I would move that this item lie on the table until later in today's session.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the adoption of House Amendment "A" and later today assigned.

#### Order Out of Order

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Pamela Barrios and Liz Pynchon of Winthrop be appointed to serve as Honorary Pages for today.

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

#### Passed to Be Engrossed Amended Bills

Bill "An Act Implementing the Reorganization of the Department of Educational and Cultural Services" (S. P. 721) (L. D. 2010)

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

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

Mr. HASKELL: Mr. Speaker, I would move that the House reconsider the adoption of Committee Amendment "A".

The SPEAKER: The gentleman from Houlton, Mr. Haskell moves that the House reconsider its action of yesterday whereby it adopted Committee Amendment "A". Is this the pleasure of the House? The Chair will order a vote. All in favor of the motion to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken. 56 having voted in the affirmative and 38 having voted in the negative, the motion to reconsider did prevail.

Mr. Haskell of Houlton then offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-618) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: The amendment which I have offered is the same amendment that was debated in the House yesterday as a Senate Amendment. I am risking the displeasure of the House by reintroducing this for the reason that I do feel that this is a crucial decision that has to be made on this education bill. I can support the reorganization bill if it carries this amendment. If it does not carry this amendment I certainly would have to vote against it.

The thing that we are concerned with here is a very radical departure from all educational experience, from all authority in the field. What is proposed in this reorganization bill is to strip the authority and the policy making power from your Board of Education and reduce it to an advisory capacity, and this is the crucial factor that I think you must take into consideration.

Now the parallel was drawn yesterday, that I am sure none of you would recommend on your local level that you strip your Board of Education, or your school board rather, of its policy making prerogatives. This was the issue which we have belabored so sensibly in the teacher negotiation bill. And yet we are proposing here that on the state level we reduce

the lay check on professional opinion to an advisory group. Because that is exactly what has taken place here.

Now I think it is interesting that yesterday no one who proposed this change could quote any person competent in the field, who would recommend this as a wise move educationally. I think that you would have to search very far to find any person competent in education who would say that it is a wise move to establish a Commissioner of Education with no lay check on his policy making prerogatives.

Now from discussion with a great many members in this House I am aware of the fact that there is widespread dissatisfaction with the Board of Education as it is presently constituted, and I agree with that assessment. I think that the error that has been made in appointments to the Board is very basically the fact that the Governor and the Council in their appointing process have overloaded the Board with educators, so that you are not getting a broad lay check on professional opinion.

I think if you would note in the amendment that is offered, if this amendment is adopted it would be impossible for this situation to continue. Because, as I understand it, when we have a reorganization there will be a new Board appointed, and if they are appointed under the provisions of this amendment your Board would not include professional educators. This has been the problem because you have a unanimity of opinion between the Commissioner of Education and the professional educators of the Board. You do not get the lay check on professional opinion and that is the segment that is overwhelmingly important and vitally necessary to a sound educational system.

So without further elaboration I hope that you will support this morning this amendment to make this bill a reasonable and a workable reorganization of our Department of Education.

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

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "A" and would speak briefly to my motion.

The SPEAKER: The gentleman from Kittery, Mr. Hodgdon moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

The gentleman may proceed.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen: I am sure that we all feel this morning as though this bill had its airing yesterday. I am sure that every one in the House who desired to speak had an opportunity to express his or her opinion either for or against this measure. A motion was made for the previous question, which was killed, so that everyone might have an opportunity to thoroughly debate this issue.

Ladies and gentlemen, I have no intention this morning of debating this issue. Rather with your indulgence I would try to point to you how this piece of legislation happened to become being as we know it today. As you are all aware, at the regular session of the 105th, enabling legislation was passed whereby the reorganization of state government would take place in a so-called umbrella concept.

Part of that enabling legislation provided for an appointment of a Commissioner of each of the proposed departments by the Governor with the advice and the consent of the Council, and part of his duties would be to work in the interim with the Special Select Committee on Government Reorganization to bring forth a bill implementing the departments involved. Previous to the convening of the Special Select Committee the State Planning Department in conjunction with the chairman of the Select Committee proposed a format, which was distributed to each one of the appointed commissioners, the purpose of this format being that rather than have each presentation made in a helter skelter form all presentations would be made in the like manner, which would help the committee in its deliberations.

The Commissioner of Educational and Cultural affairs made his presentation early in our deliberations and although it was a good presentation the Commissioner failed to follow the format as laid down and it was unacceptable to the committees and he was asked to make a further presentation using the guidelines set forth by the Planning Office, which he did.

Now in answer to questions that have come up in the debate, I would like to make an observation. It has been stated this morning that everyone had failed to quote from a competent educator the reasons behind this. Ladies and gentlemen, I have in my hand a presentation made to the Special Select Committee on Government Reorganization from Charles McGary, the Commissioner of Educational and Cultural Services. And I might quote and I would hope that this body would think that this man is a competent educator.

"At your direction I am pleased to submit a proposed draft of legislation which would, I believe, follow closely the intent of Chapter 492. While I do not know exactly what the legislature had in mind when it suggested that the Board would, review activities, present and proposed, of the Department, I am assuming that the intention was to create an advisory board as stated in the second sentence of paragraph 2, section 2, of Chapter 492. I am, however, suggesting specific areas where the Board's advice might be sought. I believe this proposal is in keeping with the spirit of Chapter 492 while at the same time insuring that the role of the State Board is well understood by both the members and the Commissioner. You will note that I am suggesting that certain of the policy matters over which I thought the Board should have authority might still be referred to them, but in an advisory capacity only."

And the Commissioner then lists what he believed to be the most important functions of the State Board of Education. There were some thirteen items, and he in conjunction with the committee

went over one by one of these thirteen items, and he, meaning Commissioner McGary, indicated to the committee those items which he thought should be handled administratively and those items which he thought should be still left with the State Board of Education.

The recommendations of the Commissioner were adopted and are included in the bill that you have before you on reorganization.

Now it was brought out yesterday that the Commissioner is dead certain on his plans. It was also brought out that maybe it all depended on which way the wind was blowing on how he felt about it. Upon his presentation he assured the committee that he was pleased with the reorganization. It was not what he wanted, because what he wanted was to create a realm of which he would be the czar. I am sure that there are legislators this morning who attended the public hearing on this bill and if you were there you know that I questioned the Commissioner on whether the bill as presently written was something he could live with and work with, and he assured me that he could.

Now there was only one other area that I would like to bring to your attention this morning, ladies and gentlemen, and that is in the area of vocational training. In our deliberations and during our deliberations it was called to the attention of people on the committee by members of the present State Board of Education — and I would reiterate, by present members of the State Board of Education, that there were grave doubts that the policy of the Commissioner and the policy of the Board as presently constituted would give vocational training its proper prospect.

That is why you will find in this reorganization bill a bureau set up for the sole purpose of administering vocational education in the State of Maine. As Representative Cote brought out yesterday, the present Board as constituted under the bill will be an appeals board, it will be an advisory board, and in five specific areas it will be a policy making board. I am

sure that you realize that in these reorganization bills if the law has not been changed, rather than spell it out in detail, reference was made to the chapter and paragraph of the existing law. The bill is not this radical. Things have not changed since yesterday afternoon except for a great deal of lobbying which I have no objection to — that is part of the process.

I have tried to point out that this is not solely the recommendation of the special committee on reorganization, but it is the recommendation in the bill form of the Commissioner of Education.

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 move the previous question. I am going to suggest, however, that we debated this thing for nearly two hours yesterday, and one man got up on one side this morning, another on another. I am going to suggest to you that we have a bill coming up with amendments up to T. If you have an idea of ever getting out of here I suggest we start voting.

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

Mr. WOODBURY: Mr. Speaker and Members of the House: I rise simply to say to the House that my position of yesterday has not changed. I want you to be sure of that. And I would like to thank the large number of people who came to me at the end of the session yesterday with their condolences. As far as I am concerned, the thing that I found out at that time was that many of the people who voted against me voted against me because of some animosity to one or more members of the present Board of Education.

This was a surprise to me and it really is not the way to run a railroad. I think that what we ought to do is give very fair consideration to this thing today. I hope you will. And I would ask that when the vote is taken it be by the yeas and nays.

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 Kittery, Mr. Hodgdon, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Binnette, Bourgoin, Bustin, Call, Carter, Clemente, Cooney, Cote, Curran, Curtis, A.P.; Curtis, T. S., Jr.; Donaghy, Dow, Doyle, Dudley, Emery, E.M.; Farrington, Fecteau, Fraser, Gagnon, Genest, Goodwin, Hayes, Henley, Hodgdon, Jalbert, Jutras, Kelley, P. S.; Kilroy, Lebel, Lessard, Lucas, Lund, Mahany, Manchester, Martin, McKinnon, McTeague, Mills, Orestis, Pontbriand, Rand, Rocheleau, Santoro, Shaw, Silverman, Slane, Stillings, Tanguay, Theriault, Vincent, Wheeler, Whitson, Whitzell.

NAY—Ault, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Carey, Carrier, Churchill, Clark, Collins, Conley, Cottrell, Cyr, Dam, Emery, D. F.; Evans, Faucher, Finemore, Gill, Good, Hall, Hancock, Haskell, Hawken, Herrick, Hewes, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lynch, MacLeod, Maddox, Marsh, McNally, Millett, Morrell, Mosher, Murchison, Murray, Norris, Parks, Payson, Porter, Pratt, Rollins, Ross, Scott, Shute, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Susi, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bailey, Boudreau, Crosby, Cummings, Drigotas, Dyar, Gauthier, Hardy, Keyte, McCloskey, McCormick, O'Brien, Page,

Sheltra, Smith, D. M.; Tyndale, Webber.

Yes, 59; No, 74; Absent, 17.

The SPEAKER: Fifty-nine having voted in the affirmative, seventy-four in the negative, seventeen being absent, the motion does not prevail.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" to House Amendment "A" thereto was adopted.

Bill "An Act Implementing the Reorganization of the Department of Educational and Cultural Services," Senate Paper 721, L. D. 2010, was passed to be engrossed as amended in non-concurrence and sent to the Senate.

Bill "An Act Implementing the Reorganization of the Department of Environmental Protection" (S. P 772) (L D 2051)

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

#### 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 Maine Industrial Building Authority and the Maine Recreation 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—March 1, by Mr. Emery of Rockland.

Pending — Adoption of House Amendment "B" (H-606).

Thereupon, House Amendment "B" was adopted.

Mr. Emery of Rockland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-607) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent to the Senate.

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

SENATE REPORT — Ought to pass in New Draft—Committee on Natural Resources on Bill “An Act to Revise the Site Location of Development Law” (S. P. 723) (L. D. 1981)—New Draft (S. P. 767) (L. D. 2045) under same title.

Tabled—March 1, by Mr. Ault of Wayne.

Pending — Acceptance in concurrence.

Thereupon, the Report was accepted in concurrence, the New Draft read twice, and tomorrow assigned.

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

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)

Tabled—March 1, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment “A” and moved its adoption.

House Amendment “A” (H-616) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: We have just gotten done working on an apportionment of the Senate, and quite a good deal of work finally ended up by being done by the Maine Supreme Court.

Now in this apportionment one of the main points was the closeness of population to the state mean, which in this case was 30,101. The eventual apportionment came out so that every one of the Senate districts were within two percent of the state mean.

Next year we are faced with having to apportion the Maine House of Representatives. Now it is my understanding that this would have to be done by the first day of January, 1974. The last time the House was apportioned was in 1964, and it does give 10 years, but there is no planned session for the year 1974. So it would be my understanding that by the first day of January, 1974,

that if the courts have not apportioned this body, why then the court would be obliged to do it. So we will be faced with the same situation we were faced with in the apportionment of the Senate.

Now in reading the Constitution—and I have studied this very intensively and I have gone over it and I think other people have too. It is my belief that it is physically impossible to apportion the House of Representatives and come anywhere near within the guidelines of the United States Supreme Court rulings on the one man, one vote.

I think the best example of how this could be proven is the fact that during the regular session of this Legislature, the 105th Legislature, there were two reports drawn up — one by the Minority Party and one by the Majority Party. If you were to take and have these reports, which I haven't had here, L. D. 1843 and L. D. 1846, and take the County of York, which might be the best example, you will find that York County in both reports are identical. Every town and the arrangement is exactly the same. You would find that in that report that Kittery was allocated one representative, with 11,028 people, and yet Saco, with 11,678 people, 650 people more, have two representatives. So you have one representative for 5,839. The difference there is almost 200 per cent.

I have explored my mind in every way that I can, and I cannot come up with a solution to a problem which I think Orono represents the best example. The Town of Orono has 9,989 people, which is exactly — well, it is 152 percent of the State mean of 6,581, which is obtained by dividing the State population by the number of representatives in this body — 151.

So you either have too much or have not enough. You add a town with Orono to try to come up to two representatives and in essence disenfranchise that town or make it very difficult because he would be running against a 3 to 1 ratio of population. Or do you take a third of the Town of Orono away and give Orono one representative and let this third become half of

what would be the population of a representative district and then the other half would be made up of one town or additional towns? It seems to me the only fair way is to allow one full representative in Orono and then apportion Orono and some of the adjoining towns.

Now the amendment that is presented to you does use the State unit base number of 6,581 all through the full amendment down through the individual districts, and each district will be as close as may be to the state unit base number.

I have gone further than this, and I realize the thinking in here and I fully appreciate the thinking of the opposite party in any discussion of apportionment. But I feel that I have gone a long ways, attempted to go a long ways in the establishment of some equitable system. This does use the State unit base number, it does divide the cities and towns that would have more than one representative; and I think there are excellent examples where it cannot be that you have overages once you make the population of each ratio excessive beyond the state unit base number.

So after developing a pattern or a program for apportionment, it has been written into this amendment the establishment and the commission which will be brought into existence not more than a year prior to the time when an apportionment has to be accomplished. This commission will be composed of the Speaker of the House, three members in the House, of which one will be appointed by the Minority Leader; two members from the Senate, one will be appointed by the Minority Leader of the Senate, the chairman of both of the two political parties.

At this point you reach a ratio of five members of the Majority Party and three members of the Minority Party. But then there are appointed by the Governor two members of political science departments from State colleges, and they both cannot be from the same college, and these people who are working in the field of government and studying government, feel that they would have something to be

able to offer in this area. And one person who would be appointed by the Governor from a non-partisan citizens organization. Now we have several organizations working in this area, such as the League of Women Voters, who spend a good deal of time on this.

This commission will be empanelled, will work out an apportionment sometime within the year when the Legislature has to be apportioned. They will present to the Clerk of the House, on or before the convening of the Legislature required to be apportioned, a plan for apportioning the House of Representatives. This plan will be submitted to the Joint Committee which will review it. They can make what changes they want. If this is adopted by the Legislature and signed by the Governor and becomes law it will be the plan for apportionment of the Legislature. If they cannot come to an agreement, then the commission plan, which is presented to the Clerk of the House, will become the apportionment of the Maine House of Representatives until it is required to be apportioned again.

I feel this is a fair approach. This would mean that the three lay people would have the balance of power on this commission, although there are five from the Majority Party and three from the Minority Party going in. These three lay people would make the balance of power so that it could be six to five. The Majority Party would not be able to completely control this commission. I feel this is a novel approach, at least as far as Maine is concerned, and yet I feel it is a fair approach.

In going over some of the material that is used in other states, I find that there are many other states — some other states that use programs of this type, all various ideas, even one in the State of Alaska which the Governor will do the apportioning himself. He does have a committee to advise him, but he makes the final decision.

I feel this amendment is a reasonably good approach. I feel that if the Minority Party is not satisfied with this, that they do have a



responsibility, before we adjourn, to come up with some form of a program whereby the House can be apportioned next session. If they would come up with some kind of a plan, or if they want to sit down to discuss this in any way, I would be happy to sit down and try to work out something with them. But I feel that we would not be responsible if we adjourned and went home without some plan to apportion the next House.

This will have to be done by a constitutional change, so it would be required to be voted on by the people in November. I feel that we should face up to this. We should make some decision as to how we are going to do it. I don't think we should duck it at this session.

I hope this amendment is adopted and I hope eventually that this bill can go on to be enacted.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the fourth tabled and 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-578) as amended by House Amendment "A" (H-586) thereto adopted.

Tabled — March 1, by Mr. Cote of Lewiston.

Pending — Passage to be engrossed.

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

House Amendment "B" (H-589) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it perfectly clear at the outset that I intend to support the bill wholeheartedly with or without my amendment. In no way am I attempting to kill the bill, seek publicity or delay the special session, but I honestly

believe the amendment, a compromise, is in the best interest of the reorganized department and the people of Maine. As I analyze and make comments on the bill and my amendment, all I ask is your consideration. If my presentation is not logical and reasonable. I hope you kill it.

The bill before you for consideration is L. D. 2002, as I mentioned, An Act Implementing the Reorganization of the Department of Finance and Administration. The stated purpose of the bill is to place within the department the Maine Insurance Advisory Board, the Capitol Planning Commission and the Liquor Commission, except the Enforcement Division. The purpose of my proposed amendment is to correct certain conflicts of administrative authority that are in the present bill.

The responsibilities of administering the laws relating to legalized alcoholic beverages are extremely important for many reasons, not the least of which is the revenue it produces to the General Fund estimated at \$18,725,000 for the current year. The gross sales projected by the Commission for the current year are \$39,591,000 and the Legislature has allocated \$3,574,145 and authorized 347 employees to produce these sales. Needless to say, this is a substantial operation and responsibility regardless of what you compare it to.

This act creates a Bureau of Alcoholic Beverages within the Department of Finance and Administration to administer the laws relating to legalized alcoholic beverages within this State. It provides for the appointment of a director of the bureau by the Commissioner, with the advice and consent of the Commission. This director is to be the chief administrative officer of the Commission. At the same time, this act relegates the Commission to a part-time status, in effect, a once a week or less affair. The Commission is still charged with essentially the same responsibilities as at the present time.

Specifically, the bill contains the following language which in my

humble opinion should be eliminated or modified:

1. In Section 4, the Department of Finance and Administration shall administer, under the direction of the Liquor Commission, the laws relating to legalized alcoholic beverages within this State. The language "under the direction of the Liquor Commission" should be struck out as it removes any control by the Department head over this area which he is charged with administering and for which he is responsible.

2. In Section 11, the Commissioner of Finance and Administration, with the advice and consent of the Commission, shall appoint a Director of the Bureau of Alcoholic Beverages whose term of office shall be continuous subject only to removal for cause by the Commission and the Commissioner. If it is the intent of the Legislature to truly reorganize the Department and include the administration of the liquor laws, the Commissioner must have the authority to remove his bureau chief, the Director of Alcoholic Beverages, as he does the other bureau chiefs in the Department.

3. The powers and duties of the Commission — making rules and regulations, licensing, reviewing, holding hearings — are spelled out in Section 55 of Title 28 and remain substantially as presently established. As the Department head, the Commissioner should be able to take part in the formulation of rules, regulations and policy for which he is charged and responsible. The Commissioner, or his designee, should therefore serve as one of the three members of the Liquor Commission. It would make good sense to provide for participation by the full-time personnel with the administrative responsibility, while continuing to provide the protection offered by the two other part-time members. This would be in line with the intent of the bill and serve to strengthen it.

To just briefly summarize, I think if we have a department head who is going to be held responsible for the things that occur within his department, we should give him the power to at least,

in this compromise amendment, to have some say on the Liquor Commission. It is a tremendous responsibility to head this department, and yet things can happen within the department which would be out of the control of the Commissioner of Finance and Administration. And this is the purpose why I have proposed this amendment. I hope you will give it your consideration.

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

Mr. HODGDON: Mr. Speaker, I would now move the indefinite postponement of House Amendment "B" and would speak briefly.

The SPEAKER: The gentleman from Kittery, Mr. Hodgdon, moves the indefinite postponement of House Amendment "B".

The gentleman may proceed.

Mr. HODGDON: Mr. Speaker and Ladies and Gentlemen of the House: The bill on Finance and Administration is drawn exactly the same as all other bills on reorganization. The duties of the Commissioner in every case are specified, and in this department, as well as all others, his main duty is act as an administrator. In practically every bill that we have we find commissions, boards, who formulate the policy and it is carried out by the Commissioner. And again, his main concern is with the budget, with overlapping responsibilities, etcetera.

This department is not so large that the Commissioner needs to be directly concerned as a member of one of the boards. In the bill you will note that we have established the director of the Bureau of Alcoholic Beverages, and qualifications for this position have been spelled out. And I am sure that as far as administering the Liquor Commission, that the bill takes care of it very well, and as I stated, I don't believe that this bill needs to have the Commissioner down as an active member of a commission and I hope you will vote for the indefinite postponement.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have tried to understand this amendment, I have read it carefully, and I feel like the gentleman who has just spoken, that this amendment should be indefinitely postponed. When the vote is taken I ask for the yeas and nays.

The SPEAKER: For the Chair to order a roll call vote, 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 Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the previous two speakers, that this amendment should be indefinitely postponed. I think that the Finance Commissioner has enough to do without sitting on a commission to establish what liquors they are going to be selling in the liquor stores, using his time, but I don't think we need to put up with it.

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

Mr. FARRINGTON: Mr. Speaker, to just briefly answer the gentleman from Chelsea, Mr. Shaw, if he looks at my amendment, it says "ex officio" or "designee," which means that the Commissioner of Finance and Administration would be sitting on the important things, and the administrator of minor details, he would designate a member.

And believe me, ladies and gentlemen, I am not trying to damage this bill at all. It just seems to me reasonable that if you are going to give a man a responsibility, he should at least know what is going on within these bureaus and have some say as to the removal of a man who might not be doing his job properly. Fraud could exist in the Liquor Commission and the man at the top would be held responsible, yet he would not know what was

going on within that particular bureau or have any say.

Now he is not going to be able to run the complete show; he is simply going to be one of three members. The other two members are going to be from the public, one from either political party. And really, I haven't heard any of the people who oppose this give any basic reasons. I think really — and they haven't given me any reasons. I know some of them despite the present Commissioner. I don't think that is any reason for setting up a bill like this, because the present Commissioner is not always going to be with us.

Let's look at the best interest of the department and the best interest of the State of Maine. And someone said, "Well, he used to be a Republican, now he is a Democrat." I don't think that is a good reason either for trying to exclude him. So I hope you vote against indefinite postponement.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Some of you may or may not have noticed among all the papers, that I have prepared House Amendment "B", which I was going to offer in the event that this particular amendment, which I think represents very sound thinking on the part of the Representative from Old Orchard Beach, Mr. Farrington, failed. I have decided, after consultation with many members of the House, that I will not offer that amendment. That called for the director or the business administrator of the Liquor Commission to also serve as Chairman of the Liquor Commission. So I will not offer that, no matter what happens to this.

I think the one way that perhaps the members of this House can get the feeling of what this amendment is all about, is, I would ask this question. How would any member of this House like to serve as Commissioner of the Department of Finance and Administration, being vulnerable to the point of having to accept the blame, as

the head of this agency, for anything going on under it and sitting on top of a powder keg, a potential powder keg, over which he has absolutely nothing to say?

I think this motion to indefinitely postpone should be defeated and the amendment should be accepted.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to Mr. Bustin if I may. After listening to what Mr. Bustin had to say, aren't these gentlemen, head of all these various reorganization departments, responsible or vulnerable, such as this department you are talking about right now? Is this reorganization bill any different from any of the rest of them?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to the gentleman from Augusta, Mr. Bustin, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker and Members of the House: I don't think there is any place in the whole reorganization system that puts a man in the position of having to accept the blame in an area of this kind. Mr. Farrington has indicated to you in his statement of the amount of money which is involved in this Liquor Commission.

It is true that throughout some areas of the reorganization there are commissioners designated over agencies of which they have no policy control. However, I think that this is certainly an exception and I think an examination of the past history of some of the problems that have occurred with this commission are indication of exactly what I am talking about.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: After Mr. Farrington has declared that we despise Mr. Maury Williams, I think we ought to set the record straight on that, I, for one, on the committee do not despise Mr. Williams, I like Mr. Williams very

much as a person. I certainly would have no feeling because he had the courage to change from one party to another. I think it requires quite a bit of courage to change from a Republican to a Democrat.

Aside from these points, we feel that this Liquor Commission deal is very sensitive and this is the reason for the three-man commission, to handle the listings and the shelf space and all that sort of thing, and keep Mr. Williams in his area of taking care of the books. If the commissioners, three of them, this is the reason we have three of them, if they start playing footsies with the liquor interests, they certainly will be the ones to blame, not the man that is keeping track of the records of the liquor store sales and so forth.

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

Mr. FARRINGTON: Mr. Speaker, I would like to pose a question to the gentleman from Lubec, Mr. Donaghy, and the question is this. Would you, Mr. Donaghy, accept the responsibility of a department such as Finance and Administration and yet not be able to control policy within that department, be responsible for any goofs; and these would be real large goofs made within this particular bureau that we are talking about.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington, poses a question through the Chair to the gentleman from Lubec, Mr. Donaghy, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. DONAGHY: Mr. Speaker, I think it deserves an answer. This is quite a hypothetical thing. I have no desire to be the Liquor Commissioner or certainly am not qualified to be the head of the Department of Finance and Administration. However, I certainly under the circumstances would recognize what is being set up here, a board to control the liquor sales and another job which is to push pencils and the buttons on computers.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Hodgdon, that House Amendment "B" be indefinitely postponed. The yeas and nays have been ordered. All in favor of indefinite postponement will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Ault, Bailey, Baker, Berry, G. W.; Binnette, Birt, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carter, Collins, Cote, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Fecteau, Finemore, Fraser, Gagnon, Gill, Good, Goodwin, Hall, Hardy, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lund, Maddox, Marstaller, McNally, Millett, Morrell, Mosher, Parks, Pasyon, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Tanguay, Trask, White, Wood, M. W.

NAYS — Albert, Barnes, Bartlett, Bernier, Berry, P. P.; Berube, Bither, Boudreau, Bourgoin, Bustin, Carrier, Churchill, Clemente, Conley, Cooney, Cottrell, Cyr, Dam, Dow, Doyle, Farrington, Faucher, Gauthier, Genest, Hancock, Haskell, Hewes, Kelley, P. S.; Kilroy, Lawry, Lebel, Lucas, Lynch, MacLeod, Mahany, Manchester, Marsh, Martin, McCormick, McKinnon, McTeague, Murchison, Murray, Norris, Orestis, Ross, Santoro, Sheltra, Slane, Smith, E. H.; Theriault, Vincent, Wheeler, Whitzell, Williams, Wood, M. E.; Woodbury.

ABSENT — Bedard, Clark, Crosby, Cummings, Drigotas, McCloskey, Mills, O'Brien, Page, Silverman, Smith, D. M.; Tyndale, Webber, Whitson, Wight.

Yes, 78; No, 57; Absent, 15.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-seven, in the negative, with fifteen being absent, the motion does prevail.

Mr. Vincent of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-599) was read by the Clerk and adopted.

Thereupon, Bill "An Act Implementing the Reorganization of the Department of Finance and Administration," House Paper 1546, L. D. 2002, was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "C" and sent to the Senate.

The Chair laid before the House the fifth tabled and 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 non-concurrence. Senate Amendment "J" indefinitely postponed.

Tabled — March 1, by Mr. Martin of Eagle Lake.

Pending — Passage to be engrossed.

Mr. Curtis of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-583) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: The amendment, H-583, which I am sponsoring today, is intended to restore the \$300,000 cut from the University of Maine's budget requests. The money is needed to eliminate inequities in professional compensation existing within departments, schools, colleges and campuses of the University.

I do not offer my amendment at the request of any representative of the University, nor have I conferred with the Chancellor or his staff. I have asked questions of some of my own constituents who are closer to the University than I am, inasmuch as I am neither an alumnus nor an employee of the University.

At the hearing before the Appropriations Committee, President Winthrop Libby of the Orono—Bangor Campus talked about the budget request and said, "The number one priority of the University of Maine for 1972-73 is salary increases for professional employees."

President Libby went on to say, "In our system of promotion and recognition, we recognize our most productive faculty people with the titles of associate and full professors. These titles are not accorded casually. They do mean something. Yet, during this current year of 1971-72 professionals at the higher ranks received essentially no salary increases whatsoever. Draw your own conclusions as to the effect this has had on the morale of our very best people."

President Libby is in the difficult situation of trying to retain the best faculty and continue the standards of excellence which Maine people have expected from our University.

At the same hearing before the Appropriations Committee, Professor William H. Jeffrey, Chairman of the UMO Council of Colleges, described graphically the dilemma of senior faculty who love Maine and her people but must face the stark facts that, "UMO is the lowest in average salary in all ranks when placed against other New England state universities. Maine is in the bottom 10% of all public higher educational institutions."

Last year at the University, professionals received an average salary increase of 2.37 percent. During the same period, the cost of living rose about six percent. The salary situation is becoming so critical that a new, independent University of Maine Faculty and Professional Association has been formed. That organization is growing rapidly, because the faculty believe their problems have not been thoroughly aired in the past and because they believe the University can continue to serve its students and the State well, only if it has a quality faculty and professional group whose interests and needs are understood.

The President of the University of Maine Faculty and Professional Association is Professor Brooks Hamilton. He appeared before the Appropriations Committee to plead eloquently for the University budget requests. I would like to read two paragraphs of Professor Hamilton's statement as this senior member of the faculty explains what has happened over the past 20 years.

"The spread in salaries between the senior and the younger faculty has narrowed, or in some cases entirely disappeared," Professor Hamilton explained, "In a process familiar to you in the Legislature. And I say this because you seemed to recognize it in the salary schedule enacted by the regular session of the 105th for all other state employees, in which the percentage salary increases were greater for those with senior status than for those with fewer qualifications or less seniority. Specifically, we understand state employee increases averaged at about 11½ percent, but ranged from less than 10 to more than 20 percent for senior employees.

"And," Professor Hamilton continues, "I am talking about those state employees with the kind of qualifications of a professional nature that you would expect of faculty members who are to teach your young people and to work for the betterment of Maine in their various fields. At the same time, University faculty and professional workers received nothing if their salaries were \$15,000 or over. Some of the rest received \$300 to \$400 increases, which did not begin to cover inflation for the year."

I could continue reading quotations from these members of the college community, but I think you can understand the frustration of the faculty.

After years of studying and foregone income, finally achieving recognition in the academic world, teachers in the state institutions of higher education are learning that their chosen state has a lower opinion of their worth than most any other state in our country. Some are bitter and their morale and perhaps their teaching effect-

iveness, suffers. Others leave the State for higher paying positions outside Maine.

One professor receiving \$11,000 at our University departed for a new job which paid \$18,000. Another professor in the college of education accepted a position out-of-state at an increase in salary of \$5,000 a year. A professor of agronomy left UMO for employment with the U.S. Department of Agriculture with an increase of some \$4,000 in salary. And to add insult to injury, the federal government paid his moving expenses.

In comparing the University salary situation with other teachers in Maine, we should be aware that a teacher, for example, in the Bangor school system whose qualifications include a Doctorate of Education receives more pay than a University associate professor with a PhD in, let us say, engineering, and more experience and greater responsibility.

A reprint from the University of Maine alumnus magazine was distributed to your desks at my request. I hope you had an opportunity to read the analysis of Dr. Eugene Mawhinney, the distinguished Chairman of the Department of Political Science at UMO. Professor Mawhinney is a Washington County native and, in the fragal tradition of that county, Dr. Mawhinney truly understands the value of a dollar.

"Well," you are thinking, "Ted Curtis is making this speech because he has constituents who are directly affected by the University's lack of financial success at the Legislature." That is certainly true; I consider it my job to represent the interests of the people who send me here. But it is also true that the real losers when high caliber faculty leave our University, are the students from your communities and mine who would benefit from the high level of intellectual inquiry that transpires at a first-rate university, and the farmers and homemakers and workers and others would suffer, too, if there were a decline in the quality of continuing education, public television, or extension services.

It is true that we have already enacted a bond issue for constructing buildings on the campuses. Those buildings are needed, and I hope that the voters agree in November. But the strength of any institution lies more with the dedicated people who devote their careers to it than with bricks and mortar.

Think back to your own educational experiences. Each of us had one or more teachers who inspired us, through his or her dedication and understanding, inspired us to also have a love of learning and truth. That teacher we remember as being excellent. It is that same high quality of teacher that we are in danger of losing from our State University.

Now, it may be that excellence is beyond our means or our desires. If such is the case, then let the decision be a rational, conscious one, but let us not arrive at that decision unknowingly through a long series of administrative and legislative compromises.

The people who work at the University read the comments that are made about the University in this hall and elsewhere, and they realize the institution to which they are devoting their careers is widely criticized. Some of them ask me if the Legislature understands the direction in which the University is going and if the Legislature approves. My little amendment will certainly not solve the whole problem, but perhaps it will give us all cause to think about whether we want, and are willing to pay for, excellence, or mediocrity.

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

Mr. JALBERT. Mr. Speaker and Members of the House: When the original L.D. which was 1982 hit the Appropriations Committee, being one who would sometimes indulge in a slight wager, I would have given tremendous odds that it would never come out as it did in 2247.

It would be safe to say that many more than one member of the Appropriations Committee had no intention of giving \$1 million

plus \$385,000 for repairs, plus voting for an \$8,360,000 bond issue. Now, here is how we harm that poor University.

They wanted \$1.3 million, but we lowered that to a million dollars. They wanted \$452,000 for repairs, we lowered that to \$385,000. They wanted a bond issue of \$8,360,000, we voted by a two-thirds majority to allow that bond issue to go.

Now, the gentleman from Orono, Mr. Curtis, makes comment that somebody left, who was getting \$11,000 for an \$18,000 a year job. If that portion of the \$300,000 more that he wants, and that portion would be applied to salary increases or a portion of it, naturally it would be, that would not mean, in my opinion, so much difference to him that he would not leave the job to go from the \$11,000 job to the \$18,000 job.

Now, the young man also speaks about adding insult to injury because this man's moving was paid for by the Federal Government. I wonder just how the retiring member of the presidency of one of our universities last year felt when his successor received upwards of \$6,000 to \$7,000 more in salary. He was given, one month, \$2500 salary, just to orient himself before he came to work around the university. He was given \$12,000 to repair the house that he was going to be living in, and somewhere around \$7,000 or \$8,000 for new furniture. Now, I wonder whether or not he felt in his mind that that was adding insult to injury. It added insult to injury to me, believe me, to the point that it took one heck of a lot of gabbing and talking for me to go along with what I am going to.

And I can assure you the gentleman from Orono, Mr. Curtis, that in my humble opinion, it is very possible that if there had been an amendment put into this House that would downgrade the million to \$600,000 or \$700,000 instead of raising it to \$300,000, he might be amazed at the vote.

I think this body in the regular session was kind to the University of Maine. I think at this special session we have been extremely kind to them, and I move the in-

definite postponement of this amendment.

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

Mr. COLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I am aware that the Appropriations Committee has a tremendous task in allocating funds for all of the several agencies that have their hands out and yet I can't help but agree with my friend Mr. Curtis that perhaps the time has come when we must do a little bit more for the University with respect to salary.

The University has been, I think, for the last several years, a whipping boy of the public, perhaps in general and the Legislature in particular. And I think that many times that there were many things that we ought to have been critical about. However, we ought to recognize by the same token, the tremendous impetus, thrust, that has been on the educational system of the University.

I remember when the University at Orono had about 1800 students. I happened to have been in Orono last evening and somebody told me that on the Orono campus alone there were 8,000 students, and of course this is just a part of the total system. And of course this system, whether you like it or not, is the system that is educating most of the young people in Maine beyond the secondary level. And I think that we have got to recognize, in this instance, that we are not doing as much for our professional people there as we ought to.

Now during the regular session, we provided pay raises for our state employees, we raised the District Judges, the other day we took care of the Superior and Supreme Court Judges. We currently have before us a bill that would provide for additional pay to members of the Legislature. I think if we are going to compete in the academic world, and if we want our University system to do the many things that we ask it to do, we should support this pay raise and vote against the indefinite postponement of this amendment.



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

Mr. JALBERT: Mr. Speaker, The good gentleman from Caribou, Mr. Collins, would not be able to naturally remember the days of yore when I served as a lowly member of the Appropriations Committee when his father was chairman. And we were slashing away at the University of Maine then, and we didn't have what we have got now, as a Super Duper program, and the same thing persists now.

We have talked about the general public being critical of the University and the legislators being critical of the University. Now it would appear to me that we would never, somehow or other, find any time to look into what the professorship, the assistant professorship, the instructors at the University think of us or what they say about us, and I would like to give a couple of concrete examples that pertain to me personally.

Two years ago I spoke at the University of Maine on the hour for a whole day to classes and one of the programs was to speak to the professors during their luncheon break. And I got about three minutes within my discourse which was not long anyway, waiting for questions and answers, and one of the professors got up and he said, "I am sorry I have to leave, I must go tell my students how to avoid the draft." Those were his very words, quote and unquote.

The last time I was on ETV in Orono, the gentleman that was to replace the programmer, Mike Craig who is now in state's employ, was on the same program as an observer. So after we got through, Brooks Hamilton and this other fellow and myself got through with the program, this gentleman who was going to take over the program, who doubles as a Professor of Propaganda at the University of Maine, of propaganda, mind you at the University of Maine, was asked how he liked the program. This was on a state-wide ETV. He said he didn't like it, "I don't think your program is any good." So they asked him what

he would do if he was on the program. He says, "Well, the first thing I would do, I would call Louis Jalbert back on the program." So the normal question would be, what would you have to ask him. He said, "The first question I would ask him is how much is the railroad paying you to appear before this program today."

That was the end of the program. Before I got back to my motel, I had had four phone calls. One from the Chancellor, one from the President of the University, two other instructors. I got letters of apologies, the station apologized, and the Professor of Propaganda may be still a Professor of Propaganda but he is not on the ETV program. I had a little discourse with the gentleman after the program was over and privately I will discuss with you what I discussed with him but I think if you have got a little imagination, and I didn't exactly call him an angel. And incidentally, every member of the staff came up to me before I left to apologize to me.

Now, this is a man, he is a Professor of Propaganda at the University of Maine, and until such time as the University of Maine wants to clean up its own house in that area, they did pretty well to get me to vote the \$1 million. I speak as an individual who is maligned and been maligned, and believe me I would consider that the University of Maine would consider themselves very fortunate. And little wonder that the gentleman from Orono, Mr. Curtis, did not get any calls from the University of Maine Chancellor, or from the Honorable Winthrop Libby, the President of the University of Maine because I think that he would find, at least from Mr. Libby, that he is perfectly happy, he is perfectly satisfied.

As far as I am concerned, if the University of Maine professorship does not like the temperature in Maine, they like it better elsewhere, why it is great to get back. I wonder just how much we insulted Dr. McNeil when we brought him back from Madison, Wisconsin at \$14,500 and gave him \$37,000 a year. That is quite an insult, I am willing to go along with this.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I find it hard to support the bill without the amendment. I do intend to support the bill because I think the Appropriations Committee has done an excellent job and worked hard and for this reason I am going to try. It isn't within me to do it, but I am going to support the bill. But I cannot support this amendment.

I will say while I am standing here that these professors that went down the road, most of them I was glad to see go down the road. Some of them left because of the weather, the conditions maybe, and some of them left because they couldn't sell their socialistic ideas as well here in this state as they could in some others. And so they leave for various reasons, is what I am trying to point out, they leave for various reasons, it is not always finance.

And so, for this reason, I hope this House will go along and soundly defeat this amendment. And if you want my support on this bill, if it is worth anything, it may not be, as written and as put out by the Appropriations Committee, I will have to see quite a lot of these amendments go down this morning.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker and Members of the House: It is with some regret that I rise to oppose the amendment introduced by my friend, Mr. Curtis of Orono. My reasons for not supporting this amendment differ considerably from those stated by the last two speakers.

As you know, we passed an Order in this House the day before yesterday urging and recommending that the University take appropriate action to equalize the salaries of female and male faculty members. This has been well publicized and I don't believe anyone in this body or any other body has received any response from the University.

Moreover, there is on the staff of the University currently, a Dr. Ruth Benson, who is here because of the Federal Government's HEW threatening to withhold funds from the University if this equalization is not achieved. Dr. Benson wrote a letter to Chancellor McNeil, Vice Chancellor Freeman, Vice Chancellor Fowle and the president on January 28, and I quote from this letter:

"The University is now in the process of preparing its budget for the next fiscal year. Although a substantial portion of its monies will be spent on faculty salary increases, I am concerned about who will be receiving those increases and in what amounts.

It has been well documented by now that the University pays its women employees less than their male counterparts. Even though some efforts have been made to improve salary inequities, salaries for men and women of comparable qualifications doing equal work have not been equalized. This means that women are, in effect, subsidizing University personnel and projects out of their own paychecks."

She goes on to say,

"The HEW investigators will be particularly suspicious of less than full equalization immediately.

She recommends, "that in your budget deliberations for 1972-73, highest priority be given to the complete equalization of salaries for women and that precise guidelines and timetables for its achievement be developed."

As I said, that letter was dated January 28, the day after the Appropriations Committee hearing on the University budget request. Today, neither Dr. Benson nor I have received any assurance as to how, when, whether or if these inequities are going to be corrected.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Every now and then, I guess we get a little bit uptight. Perhaps earlier I was getting that way on another item before us. I figured that there was no sense getting uptight about most of the

amendments to the Appropriations Act because it wasn't going to make any difference. And I suspect that this is true about this one.

But, there are a few points that I personally want to make and I would just like perhaps to take a few moments to make them. First of all, in reference to the remarks made by the gentlewoman from Bangor, Mrs. Doyle, the Order that this House passed the day before, if it is implemented by the University, is going to cost \$250,000 a year. That money is going to have to come from somewhere. I am not opposed to women getting equal salary, obviously I am in favor of it, that is why I didn't get up to oppose the Order. I knew the cost at the time, but I just felt that they were entitled to equal pay.

On the other hand, I think it is interesting to pass on to you that if the University implements that, they are going to come back to you, to us, to me, to ask for the \$250,000 that must come from somewhere to pay for the different differential that exists. And even though I think it is interesting that all of us literally sat when the Order was read and enacted by us, it is interesting to note the consequences of it, that we have adopted a policy whereby we are actually telling the University to spend a quarter of a million dollars additional per year. That is number 1.

Number 2. Sometimes, when I was a student at the University, and obviously I was, I used to agree with the gentleman from Enfield, Mr. Dudley, about the socialistic teachings every now and then. But on the other hand I, every now and then, would complain about the other type of teaching which many of the students at the University in the Political Science Department used to refer as the John Birch approach.

So there are both types of spectrums, even though they may not necessarily feel that themselves, they feel that students ought to be exposed to that type of an approach. It is not always, I suspect, to some people who cannot think as students, very good at times.

But I also point out that as a member of the Liberal Arts Division of the University we used to comment on the fact that those people that were in Engineering, those people in Agriculture and those people in Education were very, very conservative and we really didn't associate ourselves with them to any great degree.

If we talk about socialistic approaches, I suspect we have to limit that particular element to perhaps one tenth of one per cent of the teaching faculty at the University.

Third, the point in reference to the teachers and professors salary, I think is an interesting one because it is a very important one. I personally know of a professor that I had, both as an undergraduate and in graduate work, who was teaching at the University and was perhaps one of the better history teachers that I ever had, who was making, while at the University, \$12,500. He left the University for the University of Oregon in Eugene, Oregon for a salary of \$22,000. In addition to that salary, interestingly enough, he was teaching four courses at Orono and when he went to Eugene, Oregon, he went to teaching two courses plus advising graduates that were busy in the graduate field.

The University professors at the University of Maine are teaching, on the average, at least one course additional more than their counterparts in other institutions.

Now, I don't think that these remarks that I have made are going to influence one vote. But I do think they had to be made and I ask you from my own personal point of view to support the amendment that was proposed by the gentleman from Orono, even though I suspect I know its fate.

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

Mr. SHAW: Ladies and Gentlemen of the House: I would like to point out that the University of Maine has a Board of Trustees. They run the University, we don't. They have some extremely capable people on that board.

They also have other sources of income besides what we are giving them, and I think we are doing pretty well for them this year.

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

Mr. COTTRELL: Mr. Speaker, Members of the House: I can support everything that Mr. Martin said, in his remarks. I have had this on my chest for a long time. This is the last issue on the calendar and I am not going to take up much time.

I believe that education is really in our democracy the most important exercise and enterprise. I believe that teachers are most important in its function. But I would like to see the teachers themselves on both the secondary and the post-secondary level start a little reform and an introduction of market economy in the presentation of their subjects.

We have heard it said that there should be some provision for merit raises. Some educational systems have provided that. But to put a salary schedule basically, on the foundation of accumulating degrees, to me doesn't make sense in any of our levels of education and I have talked this over with Dr. McGary, I have talked it over with Dr. Marvin, our whole secondary system is based on Masters Degrees, primarily.

A Masters Degree in education is not recognized in some of our states. It always, it seems to me, that if you are going on for further study and getting Masters Degrees and Doctors Degrees, you should get them in the subject that you are teaching. But our system provides an increment in salary for any kind of a Masters Degree to any teacher who is teaching any kind of a subject.

I think some teachers are worth \$20,000 a year and I think some teachers are not worth \$2,000 a year. I was talking with Representative Murray yesterday and I asked him if, at the University of Maine, if they had any student rating on their professors like they do in probably most of our colleges today. And he said yes, they did have one, but they gave it up because the University is crowded and in administering the

schedules there would be too much of a crowd in certain courses.

I would hope that the teachers themselves would come up with some system so that a man who has been teaching at age 55 in a secondary school system would not have to feel that, to improve his teaching, he should go and get a Masters Degree simply to get an increment in salary. If he has been teaching till the age 55, getting a Masters Degree at that point is not going to affect anything but his salary, not his form of teaching. And that happens so many times.

As I have said before, and I could reiterate, reemphasize, that teaching is a most important part of our education and I could hope that there might be a little market economy placed by the teachers themselves or the administrators in rewarding the good teacher without having to reward — not the incompetent teacher, but the one who doesn't contribute so much as the others.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is always a pleasure to follow the gentleman from Portland, Mr. Cottrell, because his remarks are so scholarly. But I will get back to the nitty gritty part of our debate that we started with and I feel that I must support the motion of the gentleman from Lewiston, Mr. Jalbert, to indefinitely postpone this amendment.

I feel that the University of Maine was used very well at the hands of the Appropriations Committee. They got their bond issue out of the committee, they were only cut \$300,000 out of their general grant, and a slight matter in another area of their Appropriations that they asked for. I think they were used very well and I believe that they do. I have not heard anything from anyone critical of the action that we took since we took it and I know they know where I am and they know how to get ahold of me, and I feel very friendly toward the University but I do feel that the committee did a good job.

In considering this in the budget as the work of the Appropriations Committee, you can readily see that we could have come out with two or three amendments. Now maybe it would not have been any better off here arguing this morning on two or three proposed amounts for the University, than you are with this unanimous report of the committee. This required some discussion in the committee to arrive at these figures. And you who have worked on committees know how these things are done.

I hope that you will go along with the unanimous findings of the Appropriations Committee and kill this amendment.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to discuss this a little bit briefly. I will go along with the indefinite postponement of this amendment not necessarily because it does not have merit, it certainly does.

I listened a few weeks ago to a very concrete discourse made by Dr. McNeil in reference to the situation of our University of Maine. I listened with an open mind and I discussed it afterwards, not with Dr. McNeil, but with others, some legislators who listened in, it was at a Kiwanis meeting, and I am concerned. I know that the University of Maine has got to have more money. That is why I think you will find that the bond issue did go through this body. I still have questions about how it will fare with the people.

Why I am in general going against this amendment isn't just because of its qualities or disqualities. We have already House Amendments up to the letter U on amendments to this appropriation and there are several from the other body. I know and we all know that every one of these amendments can be fought for almost just as sincerely as this one.

I feel that we should be a little bit like my people told me a good many years ago when I was a little fellow and wanted to go to

what we called the World's Fair up home, at North Waterford, it is a little bit of a wide place in the road, a town, a lot of you may know of it. I was allowed to go to the fair on a Saturday. We didn't go Friday, we went to school. But possibly I was able to communicate through begging and chiseling here and there, fifty cents. When the fifty cents was spent, at a penny here and a nickel there, nothing for me to do but either to stand around or go home. The money was gone. I think we have got to work a little bit on that basis in our departments. The Appropriations Committee has worked very carefully, they had a hearing. I think they have come out with a very fair appropriation for this emergency session.

I think they have been perhaps, in my opinion and being conservative, more than generous. But they were unanimous, and I will buy that Appropriations bill. But I cannot go along with anywhere from 25 to 50 amendments, practically all of them asking for more money. If that is the case, we better go into session and stay in session for another month, have more hearings, and do this all over again.

And one thing in regards to the pay scale of the professors and faculty of the University of Maine, I would like to discuss just a moment. It is stated that we are losing our professors because they are being competed for by other areas. I might say, and I do say, that I feel in some cases that I think the State of Maine perhaps would be just as well off. But there are many other cases where, undoubtedly, the professor, the faculty, can get more money some place else. and it probably is a loss to lose them.

Nevertheless, how can we equate competing in our administrative line, our administrators here in state government and at our universities with the high prices of the rest of the nation if our State is not a high paid state? We are creating a credibility gap in our pay scale, because industry does not pay the same as in other states. We admit we are a poor state. So how can we keep the pay scale of

our administrators whether it's in education or in the Department of Welfare or in paying our psychologists or our department heads the same scale that they are getting in states that are much richer and their whole scale of income is larger? We just can't do it at the present time.

Until such time as we can boost by our bootstraps the pay scale by and large of the State of Maine, how can we compete on these others? I think that our board of trustees of the University probably do recognize that. Consequently we must have with them a certain percentage of dedicated people, and I have known of several and probably you have, who will say when they are offered higher pay, "I don't care, I would rather live in Maine and earn two or three thousand less perhaps, or three or four hundred less, than to go to California or New Jersey and get a little more money."

That is the situation that faces us. That is why I shall vote for indefinite postponement of this amendment.

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

Mr. ROSS: Mr. Speaker and Members of the House: I am not going to move for the previous question. I haven't had too good luck at that. But as a monitor I would just like to make a comment.

Somebody said that they were not going to speak long because this was our last subject on the agenda today. We have 21 amendments to be offered to this bill.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I will attempt to be very brief. Mr. Bragdon said that we were very very good in Appropriations and that we approved the bond issue of \$8.3 million for the University, but that didn't put any groceries on the table of those professors who are drawing salaries and are faced with the same increased cost that we are. L. D. 2047 is an improvement over the first draft, but I wish to go on record at least

in supporting Mr. Curtis in his Amendment "A".

In a spirit of fairness I don't think we can ask a professional group of people, who are just attempting to improve their standards of living, realizing that with costs of inflation and other economic strains on their income dollar, we are not asking for too much money per professional. I say per professional because as it broke out, the average increase of salary for a full professor, whose mean salary is around \$16,000, and a 4 per cent increase would give him a \$640 raise this year. I don't believe that is an unusually large amount of money — an associate professor, \$540; an assistant professor, \$440 increase in one year.

The price tag is large on this thing, that \$300,000 seems to be a large amount of money. But the reason that it is large is because the University of Maine is a large institution, there are a large number of professors. There are 140 full professors, 158 associates and 182 assistants. The total number of professors is 480. If you divided that into the request that this amendment makes it averages out to just over \$600 per professor. I don't think it is unreasonable.

I am going to ask that the vote be taken by the yeas and nays.

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

Mr. LUCAS: Mr. Speaker and Members of the House: I would very much like to support Mr. Curtis of Orono. However, in listening to Mr. Ross, we do know that there are 20 other items before us, and we do understand that there are problems within the Super University structure. For instance, there seems to be a great gulf in salaries between the administration of the University and also there seemed to be great inequities existing between the campuses. I don't believe all of these problems are created by a lack of funds, and payment, of course, is relative. It is true that the University pay scale is not equivalent to other New England States. But I have heard many professors say that the pay they are receiving here

in the State of Maine is equivalent to the economy of the state.

The problems of the 105th regular session started initially with a Joint Order referring to classified employees, and in that by having this body blamed for increasing tuitions for the students at the University of Maine. The legislators who voted for that order had no intention whatsoever of having to have the students bear the burden for equalizing the pay for the classified employees. And now we come to the special session and we are asked to raise pay for the professors, \$16,000 for a professor in the State of Maine seems to be a fair salary.

The Chancellor has already raised tuition once this year. The only alternative he has left would be to cut down on the pay equalization for the professors. They will receive some but not all.

I would much prefer seeing these funds used to provide for other measures coming up before us, perhaps even the surplus food item to the many many many people in the State of Maine that Mr. Whitzell referred to being unable to put groceries on their tables. I would say that a man making \$16,000 a year ought to be able to provide a few groceries on his table. There are many people making a lot less than that, and we are going to have to find something else somewhere along the way.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I do not rise to speak either for or against the amendment. The only thing that I would like to say is I am going to vote against the amendment and this I will have show on the record, that I did say I am going to vote against it and I intend to. But I do hope, and I think first that many many of us in the House and practically all of us have had chances so far this session to be recorded on the roll calls on the issues that we wanted to be recorded on. And I would hope that on this roll call vote — I am not saying that we should vote against

the man's motion or not — but I think my good friend, Mr. Ross, said there is roughly 20 amendments to be offered, and I have one in here under the letter "Q" and I do not intend to ask for a roll call on that, I can assure you.

But if we are going to give roll calls on the majority of these, we are now up to around 45 roll calls and we will be up to 66 before the day is out. This will be an all-time record I think for the legislature to get 20 or 21 roll calls on the record, and it is an expensive process. I would hope the House would give some consideration to roll calls on these amendments, because most of them are going down the drain anyway.

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 Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Albert, Ault, Bailey, Beddard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Clemente, Conley, Cooney, Cote, Cottrell, Curtis, A. P.; Cyr, Dam, Donaghy, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Gill, Good, Goodwin, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Jalbert, Jutras, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lizotte, Lucas, Lynch,

Maddox, Mahany, Manchester, Marsteller, McCormick, McKinnon, McNally, Mills, Mosher, Norris, Orestis, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rochelleau, Rollins, Ross, Santoro, Scott, Shaw, Sheltra, Shute, Silverman, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Trask, Wheeler, White, Wight, Wood, M. W.

NAY — Baker, Barnes, Bither, Bustin, Collins, Curran, Curtis, T. S., Jr.; Dow, Fraser, Hewes, Kelleher, Kelley, P. S.; Lund, MacLeod, Marsh, Martin, McTeague, Millett, Morrell, Murchison, Murray, Simpson, L. E.; Vincent, Whitzell, Williams, Wood, M. E.; Woodbury.

ABSENT — Bartlett, Crosby, Cummings, Drigotas, Immonen, McCloskey, O'Brien, Page, Smith, D. M.; Tyndale, Webber, Whitson.

Yes, 111; No, 27; Absent, 12.

The SPEAKER: One hundred eleven having voted in the affirmative and twenty-seven in the negative, with twelve being absent, the motion does prevail.

Mr. Ault of Wayne offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-601) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. AULT: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of this amendment is to provide funds to continue the refractive error program for children. This program, which was initiated by the legislature in 1965, provides eyeglasses for those school children who are in need of them and cannot afford them.

Due to a mix-up in the Health and Welfare Department, the Department of Rehabilitation and Eye Care was not informed that the funds for this program were depleted and, therefore they did not request funds for the program in the Appropriations bill. When they were informed that these funds were depleted it was too late to ask for these funds, and so they were forced to terminate the program in January.

Last year this program provided services to some 2,500 children.

The Department of Eye Care estimates that it costs \$5,000 a month to administer this program, a total of \$60,000 a year. \$60,000 a year for 2,500 children is \$25.00 a case, which I believe is a very reasonable cost.

I have requested an additional \$20,000 for the remainder of this year and another \$30,000 to fund the program for next year. I believe it is a good program. If these children can't read they can't learn, and they would ultimately become dropouts. I urge you to support passage of this amendment.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This amendment offered by Mr. Ault was discussed in Executive Session of the Appropriations Committee yesterday afternoon, and we agreed that there was an oversight that this was not included, and we offer no objection to Mr. Ault's amendment.

Thereupon, House Amendment "G" was adopted.

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

House Amendment "J" (H-604) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The other day when we were discussing the drug bill, all of us were concerned about attempting to get to the pusher. As you well know, this is a real problem today. The purpose of this amendment is to try to do just that.

The real problem that law enforcement officers have is the inability to make the buy because of lack of funds. This amendment would allocate \$34,000 to the Criminal Division of the Attorney General's office, to be used for the buying of drugs.

A number of police officers have informed me that many times they can make that \$10 buy, that \$25 buy, or the contact, but it is impossible when they are met with the real pusher. They are asked



for a \$10,000 deposit and \$10,000 to come. If you think this is far-fetched, it isn't, because it happened in Portland just two weeks ago, where a police officer could have made the buy but would have had to give \$10,000 down and \$10,000 when the goods were delivered. If there is any hope at all of getting to those people, I think this is one approach that we might use.

The Attorney General's office has worked very hard at arriving at the language, and this is the way that it was arrived at two days ago, and I would certainly hope that you would endorse this concept. I think it is a step in the right direction. We can look at it when we come back at the regular session and see whether or not it has been productive.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The Appropriations Committee met on this amendment and decided it was a good amendment. The Attorney General's office would distribute the money within the area it is needed. I think the gentleman from Eagle Lake, Mr. Martin has presented the case very well, and I move for passage of this amendment.

I might, before I sit down, because a lot of members have the amendments in sequence, I thought possibly we might go along in that direction, and it might simplify matters. I am only making a suggestion, that is all.

I move that this amendment receive passage.

Thereupon, House Amendment "J" was adopted.

Mr. Simpson of Standish offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-585) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker and Members of the House: This is another one of the several amendments that we reviewed and decided needed to be adopted. This one corrects a change in the nomenclature

of what was the Maine Motel and Hotel Association, the Maine Innkeepers Association. And it also provides a provision for the calling of this committee into organization to elect our permanent chairman and put it on a permanent status. I hope you support this amendment.

Thereupon, House Amendment "B" was adopted.

Mrs. Goodwin of Bath offered House Amendment "O" and moved its adoption.

House Amendment "O" (H-612) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to deny an increase in payments to nursing homes and boarding homes which have temporary licenses and which are substandard. By making increased payments to unsanitary and overcrowded homes we are providing a state subsidy for substandard care. We should hold off on payments as an incentive to these homes to at least clean themselves up. It is certainly not fair to reward these homes on the same basis as we do those which are providing quality care for Maine's elderly.

I would like to quote very briefly from "Steps for Maine's Elderly," recommendation 24. "A cost audit basis should be used for institutional payments by the Department of Health and Welfare.

The State of Maine is the largest purchaser of nursing home services, paying approximately \$13 million a year into this sector of Maine's economy. It is estimated that half the patients in nursing homes are public assistance recipients. The state should be as any buyer in the market place, paying for what it receives rather than making flat, across-the-board payments with assurance of services. The state should also exercise the exact prerogatives as does the private purchaser of goods and services; that is, give business to the person who is the most efficient and can deliver a quality product at low cost.

The time has come to separate the homes into the categories of service they give."

This amendment will not implement a cost audit system, but it will deny increases in payment to substandard homes, and this will be a first small step in that direction.

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

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: I rise to move the indefinite postponement of this amendment, and I will speak to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Gill, moves the indefinite postponement of House Amendment "O". The gentleman may proceed.

Mr. GILL: Mr. Speaker and Ladies and Gentlemen of the House: In the Appropriations Committee at this time we were confronted with insertion of the words "cost reimbursement formula." This is an entirely new concept, and the first that we saw of a report of Jordan and Jordan was about seven or eight days before the Appropriations Bill was reported out.

The cost reimbursement formula is a very complex thing. It was the subcommittee of the Appropriations Committee form. We met with interested parties. Unfortunately the Commissioner of Health and Welfare could not attend our meeting, so the subcommittee agreed to meet again with him. And my whole purpose in explaining this is that this cost reimbursement formula will pay these homes according to the services provided. But, however, because of the fact that the formula has got to be modified for certain reasons, such as under the formula an administrator of 125 bed home would be receiving around \$22,000 a year, which is the money that we now pay the administrator of either the Augusta State Hospital or Bangor.

It also allowed for the charging off the interest, and the State would be paying the interest of this home. Well, we feel there is nothing wrong with this up to a point, but there is a nursing home in

the state that has an average charge for interest of close to \$5,000 per month.

So actually this is a very complex formula, and we in the Appropriations Committee are going to introduce an order for the Research Committee to go ahead and modify this program so that it will bring about a good cost reimbursement formula. This is not going to be reported to the next session. This will be done by July 1 and turned over to the Commissioner of Health and Welfare.

So actually to deny these homes, which mostly are in the rural areas — and I think maybe their greatest lack for not having a regular license is not one of sanitary conditions necessarily, I have usually found the smaller homes quite clean and well run. Generally this is because perhaps the square footage of a room that a person is in is not up to the standards and things of this type. And I would feel that by denying these people increased payments for say three months, you would put them in a worse-off position than they are, because certainly if they have to do some major construction, they can't comply with it unless they receive some additional funds of some type.

There were only 13 such places in the state that fall in this category, according to Mr. Carney. So actually they have received a license and it is a temporary license, and I don't see why they can't continue to operate until July 1, and certainly the Division of Nursing Home Care has got the right at that time to remove this temporary license.

But my chief point is, for these 13 homes who now are having a problem and apparently can't comply, they are going to be asked, put the pressure on them, comply, comply, but yet we are going to give all the other homes the increased benefits. And I am afraid that for the most part these homes would be in remote areas and will have a hard time to place patients. So therefore I would move its indefinite postponement.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to repeat again, this bill does not implement a cost audit system. This is going to be done administratively within the Department of Health and Welfare. All it does is in the meantime deny any increases in payments to substandard nursing homes and boarding homes. And I do not think that we are doing the elderly population of this state any favor by giving rewards to nursing homes which are providing substandard care.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen: I come from a small municipality that had three nursing homes. They were the best nursing homes anywhere around. One was Berube's, one was Boyle's, one was Leonard's. Because of the high restrictions put on them by the state and the number of patients they could accommodate, they had to go out of business. So today these elderly people have to go many miles away, surroundings where their people cannot get to see them, and I think we better revert back so that these elderly people can stay in their own communities where the people love them. And I hope that this amendment will not pass.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think it should be pointed out that these nursing homes and boarding homes that are being criticized as being substandard and having temporary licenses, the fact should be pointed out that there are no definite rules and regulations that apply to all of them at this time.

These social workers going back and forth from Health and Welfare are more or less setting up their own rules and regulations. They are controlled by federal rules and regulations. For example, it states that they have to have 15 feet for recreation and feeding of these people, which in

many cases is asinine because it is not necessary.

We should place a lot of blame for this on not Health and Welfare but the Institutional Commissioner, because here we have institutions that are pushing out patients left and right — I am referring to Pineland, Augusta State Hospital and Bangor. Some of these patients are in the nursing homes and boarding homes at a rate that the industry cannot take care of them.

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

A vote of the House was taken. 82 having voted in the affirmative and 28 having voted in the negative, the motion to indefinitely postpone did prevail.

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

House Amendment "C" (H-591) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. KELLEHER: Ladies and Gentlemen of the House: This amendment that I have prepared for you here this morning calls for \$250,000 and it is an adjustment in the salary increases for the State employees that we gave last year 11½% and this is a pay scale that runs from ranges 1 through 10. And there were 2500 people, ladies and gentlemen, under this program that we adopted last year, which I am quite sure that all of you and I were concerned that everyone was going to get the equal 11½%. Well there were 2,500 of these people that were left out and of course these people are in the lower pay ranges and they certainly, if anyone needed the money or the adjustment, they needed it.

I don't think that when the plan was adopted that it was the intentions of leaving these people out, but they were missed. Some people may argue this morning that we are going to disrupt the pay plan but I say if we have

to disrupt the pay plan to give these people their just adjustments, then I suggest that we do so.

There are a number of people involved in here, there are a number of people that were left out and I feel that this House, when we adopted the increases last year for the employees, we had all the good intentions of including these people and I hope the House and ask the House to adopt this amendment this morning.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I oppose the adoption of House Amendment "C" and move its indefinite postponement. The reason for my motion is that it was our understanding in the last session that we come up with a plan that was perfectly satisfactory to the state employees.

My information to this point has not changed on this feeling, talking with the head of the Maine State Employees Association and others, and it is my understanding also, in talking with him that if we pass this amendment we will upset the pay plan as we adopted this in the last session, and for this reason I do not go along with this amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I naturally oppose the motion.

You know, there were 10,000 people that got the adjustment, which we were all delighted to give them, but there were 2,500 people that didn't get it. And I believe everyone of you people here, we all passed a plan to give everyone an equal adjustment. But we left out 2,500 people. If you want to exclude the 2,500 this morning, don't vote with me, but if you want to give them what they honestly deserve, I ask you to vote for it, and when the vote is taken I request the yeas and nays, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: As a sponsor of the Maine State Employees Association pay plan, in the last session, I might just point out to you that there was, in the Statement of Fact on that original piece of legislation the following:

"The intent of this act is to adjust state employees salaries to a level consistent with competitive salaries to meet the increased cost of living. It is further the intent of this Act to correct certain inequities in the pay range structure of the present State of Maine compensation plan."

No one ever promoted this plan as an 11½% across the board pay raise or pay adjustment. It was an average of 11½%. Some employees obviously received more, some employees received less, but I would like to make the point that the plan was subjected to several months study and analysis and effort by many people. And after careful review, it was felt that this was perhaps the one that would do the best job for our state employees.

Now, we recognize that state employees like any other workers should be paid on the basis of their job responsibility, their job performance and the experience that they gained through their service. One of the major purposes of the plan was to attract and retain the best possible personnel to serve us and the people of the State of Maine.

We knew that we were having problems retaining people in the upper and middle management ranges, so they received, perhaps on the average, a little bit above the 11½% average.

I think we should emphasize that this pay plan that we have adopted, did, in fact, correct most of the inequities. Now I am not going to stand here and tell you that we got every single one because after all, there is something like 287 pay ranges and steps in the plan. But we think that it did provide a plan that is internally equitable and does pay competitive rates at least to the extent of the funds that we in this legislature make available.

Now, as you know, we just adopted this plan and it went into effect the first of October. We established a very logical pay relationship between classes of employees. It provides a pay structure that has 5% merit and 5% longevity increases for all classes and all ranges, not just steps one through ten which we are talking about with this amendment, but in the remainder of the steps as well, steps 11 through 41, and the new pay plan has also corrected and established a pay base which can provide future increases of 5% or multiples of 5% or perhaps even a decrease of 5%, when this legislature feels that our employees pay should be adjusted.

I might just point out how workable this plan is. When we found that we had to reduce the cost of the plan by one third, we simply knocked off the top step and added one on the bottom. And if this legislature should decide, in the future, that it wants to give its state employees a 5% cost of living increase, it simply knocks off the bottom step and adds one at the top.

It was the correction of these inequities occurring in the old pay plan that has, and we will very frankly admit, caused some employees to receive less than the 11½% and others perhaps to receive more. But now that the inequities have been corrected, and a proper pay base has been established, future increases for all state employees will be the same percentages for all classes and all employees covered under the plan.

With reference to this House Amendment "C", a salary adjustment such as the one proposed here would most certainly destroy the integrity of the new pay plan which we have adopted. The type of salary adjustment referred to in this amendment is fairly typical of the hodge podge, gerrybuilt personnel pay structure that we had before we adopted this one. Therefore, it is my firm conviction that we should not adopt Amendment "C" and I would urge that you vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Wat-

erville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I don't take a stand one way or the other on this bill except to say that mathematics seems to drive everybody nuts around here. The average pay increase would be \$5 per employee. Now there are 2500 employees and those two numbers multiplied together would come out to \$12,500 per week. As far as I know there is still 52 weeks in a year, so you would multiply that \$12,500 and you would come out with an annual cost for this package of \$650,000.

Now I am trying to see how this appropriation of \$125,000 in each year will come anywhere near close to the money that is needed to fund this thing.

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 Perham, Mr. Bragdon, that House Amendment "C" be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Ault, Bailey, Baker, Bernier, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Bragdon, Brown, Bunker, Carey, Carter, Clark, Clemente, Collins, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dudley, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Gill, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Jutras, Lawry, Lewin, Lewis, Lincoln, Lizotte, Lund, Lynch, MacLeod, Maddox, Marsh, Marstaller, Millett, Mills, Morrell, Mosher, Murchison, Norris, Parks, Payson, Pontbriand, Porter, Pratt, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.;

Simpson, T. R.; Slane, Stillings, Susi, Theriault, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.

NAY—Barnes, Bedard, Binnette, Boudreau, Bourgoin, Brawn, Bustin, Call, Carrier, Churchill, Conley, Cooney, Cote, Cottrell, Curran, Dow, Doyle, Emery, E. M.; Finemore, Fraser, Genest, Good, Goodwin, Hancock, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lee, Lessard, Littlefield, Lucas, Mahany, Manchester, Martin, McCormick, McKinnon, McNally, McTeague, Murray, Orestis, Rand, Santoro, Sheltra, Smith, E. H.; Vincent, Wheeler, Whitzell, Woodbury.

ABSENT — Bartlett, Crosby, Cummings, Drigotas, Evans, Gagnon, Gauthier, Immonen, Kelley, K. F.; Kelley, R. P.; McCloskey, O'Brien, Page, Smith, D. M.; Tanguay, Tyndale, Webber, Whitson. Yes, 81, No, 51; Absent, 18.

The SPEAKER: Eighty-one having voted in the affirmative, fifty-one in the negative, with eighteen being absent, the motion does prevail.

Mr. Bragdon of Perham offered House Amendment "T" and moved its adoption.

House Amendment "T" (H-621) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't necessarily rise to oppose the amendment as presented by the gentleman from Perham, Mr. Bragdon, but every now and then, you know, ugly politics reaches over the surface of the barrel, and I suspect that I kind of resent the fact that this amendment was discussed by the Republicans in a Republican leadership meeting but the Democrats were not consulted at all in its preparation or presentation. And it would seem to me only fair every now and then that someone might have at least mentioned something to me or to another member yesterday when this was being done.

It had been so simple I think, if someone might have just informed the Governor of it, because everyone was aware that

this was being discussed between the executive and the legislature. It just seems to me that the proper procedure was not used in arriving at the decision of 4 million or 8 or 6 or 2 or whatever it might be. That in itself bothers me and I am not going to comment about the contents of the amendment at all.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I knew about this amendment myself about a half hour ago and I acquiesce to it. We owe the money, we have the money, and this means a saving of interest as against borrowing. I would have to comment, and not words of advice, and I wouldn't be so boastful as to say words of wisdom to my colleague on my left, but here is a philosophy that I have always used toward the majority.

When I first got here they gave us a check for \$600. The seat was warm, it was comfortable, the hall was warm. Now the check is \$2,500. Most of you voted to make it \$3,500, you get two extra checks, brand new seat, brand new desk, nice warm room. My advice is, let's be patient, things can change, and the decision might be different.

I was told when I first got here by the venerable Clerk of the House, Mr. Pease, that the seat was warm, the check was comfortable, to keep my mouth shut. Things might change, who knows? And Lord have mercy on someone's souls.

The SPEAKER: The pending question is on the adoption of House Amendment "T." All in favor of the adoption of House Amendment "T" will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Mr. Binnette of Old Town offered House Amendment "S" and moved its adoption.

House Amendment "S" (H-617) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: This is an unusual amendment. It isn't going to cost any money. The rest of these amendments we have been receiving here have been into some fabulous sums, and on that point, while I am standing here, I would like to congratulate the Appropriations Committee for the excellent job which they did in going over those appropriations.

I do know that some of these people that presented their requests to them were very forceful, there were a lot of needs for them. They had to do a lot of thinking and, well, I say this, they had to think and think hard in order to come to a decision, which they did, and I congratulate them for the stand they took.

Now I come from up in Indian country, and this amendment, as I have been told on many occasions that I am not the greatest lover of the Indians, although they are my neighbors, I want to do everything I can for them. And in this case, this amendment which doesn't cost us anything, I think it is going to save the State some money because it means that instead of being a one-year residency they would have to have five consecutive years. Therefore, it would bar some of the outside tribes from coming here and establishing a residence.

So I certainly hope that you people will accept this amendment.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I wholeheartedly go along with this amendment because I am from a district where we are well acquainted with the North American Indian, not many of the Passamaquoddy nor the Penobscot. I hope this amendment passes.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the several amendments that we reviewed, and we felt it was probably an oversight when we did it. We feel the amendment

is a good amendment and we would support it.

Thereupon, House Amendment "S" was adopted.

Mr. Cyr of Madawaska offered House Amendment "P" and moved its adoption.

House Amendment "P" (H-613) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. CYR: Mr. Speaker, Ladies and Gentlemen: Actually this amendment doesn't amend this appropriation bill at all. We are just using this vehicle to transfer some money for the bill for relief for the elderly that we passed last June.

Now the bill that we passed last June for \$3.5 million was to help out the elderly people. However, the bill that was passed will not do anything for the grantees, the recipients of old age, aid to the blind and aid to the disabled. As I explained to you last spring, these grantees would end up with nothing. The elderly people would actually get more relief from a water closet than they would from the bill that we passed.

Now to correct this, what we are trying to do is to transfer \$600,000 to the Health and Welfare Department to increase the standards for the aged, the blind and disabled. By doing it like this, this \$600,000 would be matched by the Federal Government to the tune of \$1.2 million, so it would then become a program of \$1.8 million. And at the same time, it would release an extra \$600,000 for the rest of the applicants.

Without boring you with details, what this would do, actually it would entitle us to get \$1.2 million of matching money from the Federal Government, thereby making this a \$4.7 million program instead of \$3.5 million. It would be \$3.5 million of state money and \$1.2 million of federal money. So I hope you can see your way to come along with me on this.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I hope you would support this amendment. I believe it would be a real improvement to the tax re-

lief to the elderly bill which we put through in the regular session. Our hearts were certainly in the right place when we put this through, but this is definitely improvement to it.

According to the information I have from the Legislative Finance Office, if we were to adopt this, beginning July 1, 1972, there would be about 15,000 people in the State of Maine in the category of Aid to the Aged, Blind and Disabled, who would start receiving in the range of ten to twelve dollars per month additional money as a result of our action here today were we to adopt this amendment. So I hope you will support it.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I hope that this House will pass this amendment for two reasons. Number one, it will provide additional federal and state funds to those people who really need our help. And two, it will help correct the gross inequity built into the Republican version of the property tax relief program.

I personally will vote against this amendment because it is alien to the philosophy I have espoused for the past three years, the philosophy embodied in my original tax relief bill, the philosophy expressed in the Credo of the Elderly, which I will ask this Legislature to adopt.

That philosophy is simply this. The senior citizens do not want a dole; they want to live with a minimum dependence on other people and on government.

The Republican version, which is now masquerading as property tax relief is no such thing. It is welfare, plain and simple. The Majority Party, for reasons we all know too well, took a piece of legislation supported by every major senior citizens group in this state and made a travesty of it. It is a give-away program which almost completely ignores the very problem it purports to solve, that is the inequitable burden of property taxes on our senior citizens.

I am currently working on a new tax relief formula, based on both

taxes and income, which I plan to offer to the 106th Legislature. The formula will be simple. Even the Republican members of the Taxation Committee will be able to understand it.

In the meantime we are faced with the problem of 13,000 people who will receive nothing under the Republican plan. Therefore I believe that this House has a moral responsibility to pass Mr. Cyr's amendment. It will cost the State nothing and it will generate over \$1 million in federal funds. As a matter of personal conviction I will vote against this amendment. I will only reconsider my vote if that one vote makes the difference in whether or not this amendment passes.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The Appropriations Committee in Executive Session yesterday looked over Representative Cyr's amendment and we see nothing wrong with it. We think it is a grand idea and we go along with it.

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

Mr. GILL: Mr. Speaker, Ladies and Gentlemen of the House: As the Vice-chairman on the Subcommittee of Research that apparently is reviewing this Republican version of tax relief for the elderly, I would like to report that the entire membership of this subcommittee, that we endorse this amendment.

It is interesting to note that on this subcommittee Republicans are the minority. It is a majority of Democrats in the subcommittee, but we all join together and we support this amendment of this so-called Republican version.

Thereupon, House Amendment "P" was adopted.

Mr. Emery of Auburn offered House Amendment "N" and moved its adoption.

House Amendment "N" (H-611) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: The pur-



pose of this amendment is to enable the Public Utilities Commission to protect Maine telephone users through a complete investigation of the telephone company's pending \$9 million request for an increase in rates. This increase would mean a 19 percent increase at a time when most utility companies are restricted to 2.5 percent by the Federal Trade Commission. And by the way, for your information, the New England Tel and Tel has approximately 300,000 customers in Maine.

The current request will entail over ten days of public hearings, during which the company must prove its case and prove to the PUC that it is entitled to additional revenues at this time. In order to do this the New England Tel and Tel will present five expert witnesses on the subjects of fair rate of return, costs of money and the current economic situation as it pertains to its operation in Maine.

Because the PUC is faced with increased requests from not only New England Tel and Tel and the Central Maine Power Company, but also the Bangor Hydro and other utilities as well, the Public Utilities staff is overburdened, without the benefit of outside assistance. Maine consumers will not, and I repeat, will not be adequately protected, and even utilities seeking justified rate increases will be confronted by delays as the result of the limitations of an overworked staff.

It seems that the general public, and more important, telephone users of the New England Tel and Tel service should have available to the Public Utilities Commission expert assistance to supplement its staff.

Testimony in the Central Maine Power hearings, which the Public Utilities Commission is now holding, indicates that the Central Maine Power Company may spend as much as \$150,000 and certainly will spend at least \$60,000 on legal experts.

Central Maine Power Company's expert on the cost of money testified that his bill alone would be somewhere between twenty and thirty thousand dollars. In the face

of company expenditures of this magnitude, the commission staff, however knowledgeable on the issues, cannot be expected to refute and/or cross examine company experts without outside assistance. This is particularly true in the complex area of determining cost of capital, for the commission does not employ an expert on this crucial subject.

I believe that it is very important that a rate request of the size that New England Tel and Tel desires should be investigated to the fullest possible extent to provide the general public with protection from excessive telephone rates.

The Public Utilities Commission should not be left in the position of having to depend upon the Governor and the Executive Council for funds to protect the public of Maine.

And Mr. Speaker, when the vote is taken I ask for the yeas and nays.

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

Mr. SHAW: Mr. Speaker and Members of the House: I move for the indefinite postponement of House Amendment "N". The Public Utilities Commission has a permanent staff of twenty experts plus other people to help them. They are working year round on these subjects, and when the rate increases are brought in they check these out very thoroughly.

Now we are being told that the people that we hire, the people we pay large amounts of money to, aren't expert enough to handle these cases, while if they move sixty miles away from Augusta they become experts. I can't see any reason for bringing in outside people, paying them two or three hundred dollars a day to sit in on these hearings, then agree with the people we already have working for us.

If the Commission, in its wisdom, decides to refuse a grant or to give them one, and it's appealed and it goes to the law court, then if they need extra extra testimony why that is the time to hire them; they can get the money for that.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This is one amendment that I personally feel very strongly about. The PUC has within its telephone, electricity and gas division only five employees, with classifications that range from the Utility Engineer one to the Chief Engineer and chief accountant.

If we are going to tell the PUC that they are going to be in a position to dispute the people that the New England Tel and Tel are going to have to present their case of a \$9 million rate increase, I think we are kidding ourselves. For instance, if we have like experts to do the job, then the people of Maine in the long run are the ones that are going to suffer.

I really feel strongly that somehow we have to give the PUC the tools to adequately investigate whether or not they should have any increase, and I think this is the way to do it rather than relying on the Governor and Council in the final analysis.

I might just point out, in passing, that this seems to be another approach to give the Governor and Council more power. I happen to be opposed to that, and in the previous remarks that you know I just soon do away with that whole body at the other end of the hall. And I think this is one way that we can help to solve that problem. I think it is one way that we can help to protect the people of Maine.

I certainly hope that you vote against the motion presently on the floor, of the gentleman from Chelsea, Mr. Shaw.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I support the gentleman in his amendment. I think you must recognize that all public utilities are facing great challenges today. The Public Utilities Commission of California, which has been long recognized as the most model commission of the United States, is undergoing

severe criticism because they have had to recognize that changes are occurring; and I am sure that the Public Utilities Commission of Maine is going to be faced with the same criticism. I certainly would hope that they would be protected by having all the experts on their side that they can persuade to work for them.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen: Not to confuse the issue, and I recognize the fact that the hour is late, I will attempt to be brief. A few years ago in another area of the Public Utilities jurisdiction, we had the problem of natural gas entering this state. Natural gas has come into this state, and when you have seen three deaths occur in this state because in my mind the Public Utilities did not have a staff adequate to investigate the pros and cons and check out the systems in the state, and verify whether they were suitable for the transmission of natural gas.

Now this is only one area. When we go into customary relations with the New England Tel and Tel or the CMP or anywhere else I still maintain that we should still have and need more adequate assistance, expert assistance. And I ask for a roll call when the vote is taken on the gentleman's motion.

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

Mr. CAREY: Mr. Speaker and Members of the House: Apparently Mr. Emery from Auburn, who has repeated his problems with the PUC time and again over the past couple of sessions has not taken the time to read L. D. 2047. 2047 does provide a personnel which will take care of this gas, pipeline, safety thing and I think he has probably given his soul away to the PUC. It sounds like the chairman of the PUC speaking this morning. But it looks like he has given his soul away to be able to get this in the budget and it was put in the budget because of its need, not because the PUC put up such a claim for it.

Some of you will remember when the Governor appointed a young gentleman named Peter Bradford to the Public Utilities Commission. He made it quite clear that he had made an extensive search and as usual he had gone out of the state to find a top level man to put on the PUC and we on the Appropriations Committee felt that he had adequate staff for this particular study.

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

Mr. MARTIN: Mr. Speaker, I would pose a question to the gentleman from Waterville in reference to the adequate staff. Would the gentleman from Waterville care to indicate the different type of individuals that the New England Tel and Tel are going to have on its staff in order to prove its rate increase case as compared to what the PUC is going to have.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin poses a question through the Chair to the gentleman from Waterville, Mr. Carey, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, I don't seem to have access to some of the offices that the worthy Minority Leader has access to. However, I do have L. D. 1577, which was presented and passed at the last regular session. And it has 21 employees in the Public Utilities Commission and they are operating on a budget of \$330,000 annually. If you think that we on the Appropriations Committee are going to get into a rat race with every utility that comes along and if they are going to spend \$200,000 for their studies and we have to match those funds, we are nowhere near equipped like the federal government. We don't particularly give out matching funds.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is adequate. The gentleman from Waterville adequately responded to the question. I think it demonstrates once more the lack of staff that we have to take

on the power companies, whether they be electrical or telephone companies that come in for rate increases. In the long run it is only the people of Maine that suffer, because we have no adequate way of determining whether the rates are justified. We only assume that they are and we give them the rate increase every time they ask for it.

I think that this is the wrong approach. I think it is time that someone adequately investigates the rate increases, and I think the way to do it is by giving them the money to bring in the experts that know something about the way that the rate structures are established within the telephone company, and I think that way we will protect in the long run the citizens of this state.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Chelsea, Mr. Shaw, that House Amendment "N" 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 — Bailey, Baker, Barnes, Birt, Bither, Bragdon, Brown, Brown, Bunker, Call, Carey, Churchill, Clark, Collins, Curtis, T. S. Jr.; Donaghy, Finemore, Gill, Hall, Hardy, Haskell, Hawkens, Hayes, Hewes, Hodgdon, Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Mosher, Norris, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Stillings, Susi, Trask, Wood, M. W.

NAY—Albert, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bus-

tin, Carrier, Carter, Clemente, Conley, Cooney, Cote Cottrell, Curran, Curtis, A. P.; Cyr, Dam, Dow, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fraser, Gagnon, Genest, Good, Goodwin, Hancock, Herrick, Jalbert, Jutras, Kelleher, Kelley, P.S.; Keyte, Lawry, Label, Lesard, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McTeague, Mills, Morrell, Murray, Orestis, Pontbriand, Rocheleau, Santoro, Shute, Slane, Theriault, Vincent, Wheeler, White, Whitzell, Williams, Wood, M. E.; Woodbury.

ABSENT — Ault, Bartlett, Bedard, Crosby, Cummings, Drigotas, Dudley, Evans, Fecteau, Gauthier, Henley, Immonen, Kelley, K. F.; Kelley, R. P.; Kilroy, McCloskey, McKinnon, Murchison, O'Brien, Page, Parks, Sheltra, Smith, D. M.; Tanguay, Tynedale, Webber, Whitson, Wight.

Yes, 54; No, 68; Absent, 28.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-eight in the negative, with twenty-eight being absent, the motion to indefinitely postpone does not prevail.

Thereupon, House Amendment "N" was adopted.

Mr. Jalbert of Lewiston offered House Amendment "U" and moved its adoption.

House Amendment "U" (H-622) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. JALBERT: Mr. Speaker and Members of the House: The members of the Superior Court Bench and the members of the Supreme Court Bench that were given their increase, the parity was established at the last session of the legislature and it is the thinking generally that this should be done as far as the District Court members are concerned. It has been checked out with the members of the Appropriations Committee with their favorable thinking.

I voted against in committee and on the floor the increase for the Superior Court and Supreme Court, and if you would want to bring it back and take them the same as these people I would vote

against it just the same. In any event, up until now at least the Superior Court and the Supreme Court membership had their raises and I feel the District Court membership should have theirs. Consequently I move the adoption of this amendment.

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

Mr. ROSS: Mr. Speaker and Members of the House: Prior to the last session of the Legislature there were real discrepancies in the salaries of our judges. Now recognizing this we raised the District Court judges salaries, but of course not up to the amount of Supreme and Superior Court.

The Supreme Court judges are now getting \$21,250, Superior Court \$21,000, the District Court \$19,500. If we raise the Supreme and Superior Court and not the District Courts, we are getting right back into the inequity. Now the District Court jobs are really as difficult and as time consuming and we should treat them as fairly as the other judges in our judicial system.

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

A vote of the House was taken. 62 having voted in the affirmative and 46 having voted in the negative, House Amendment "U" was adopted.

Mr. Dyar of Strong offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-598) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DYAR: Mr. Speaker and Members of the House: This amendment strikes out approximately \$369,000 from the budget which in my mind should not be there in the first place.

This refers to the spraying of trees in the northern part of the state for spruce budworm control. My feeling on this, that the farmers over in Oxford County who raise potatoes do not request the

farmers in Aroostook County to pay for their spraying.

Now we have a bill here this session under L. D. 1952 that provides funding for this spraying. I am not against the principle of control of the spruce budworm, but I am against the principle of the method of funding. It seems to me that although 1952 is not equitable, as you cannot make it a parochial issue and put the cost where the cost should be, it should be spread out over the state so that the people who are going to get the major benefits from this will be paying the major cost proportion.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: Up in Aroostook County we have one section alone at the present time that has 35,000 acres that is being killed by the spruce budworm. We are also putting in a new productivity tax this year that we hope becomes a law, and this would put that plan right back to the very lowest productivity. Therefore we would be losing tax on it. In a matter of two or three years the tax we would lose on this would amount to as much as we are asking here for the spray for the spruce budworm. And I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves the indefinite postponement of House Amendment "F".

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

Mr. DYAR: Mr. Speaker, I would like to know who owns this 35,000 acres of land.

The SPEAKER: The gentleman from Strong, Mr. Dyar, poses a question through the Chair to the gentleman from Bridgewater, Mr. Finemore, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question, I believe, but I can't verify it right here — I could maybe in a day or two, but I believe it is the

Seven Islands Lumber Company that owns the 35,000 acres.

If you rode up by Madawaska late last summer, same as one weekend, and looked over the section that is being killed by spruce budworm, then ride back in a week or two later and see the section that had gone brown, you wouldn't hesitate in raising money for the spruce budworm, because that is very choice land, land that hasn't had a cut in it for 25 or 30 years. It is all virgin timber.

And I might also add here that lumber that is hit by the spruce budworm becomes what is known as sap rot, and sap rot isn't used, and especially by the Great Northern Paper Company and several others; therefore this lumber becomes a total loss. And I hope you will go along with my motion to indefinitely postpone.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I don't think perhaps anyone questions that we do have a very serious problem here in the State of Maine, and largely in the northern part of the state, with the infestation of spruce budworm. Apparently the object of this amendment is to who should pay the bill.

I wish to point out over the years we have had several spray programs, and as far as I know they have always been financed in the same way. We have always been able to get about a third of the cost from the Federal Government. The landowners have paid a third of the cost and the other third has come out of the General Fund, which is the way this program is set up at this time. This has been the usual course of setting up these spray programs over the years.

Now there are a great many reasons I think that this is a sound practice. In the area that will be sprayed the next time there are a great many small parcels within organized territory. In other words, the organized towns butt right up against the unorganized towns in this spray project. It would probably be possible to collect costs from small owners in the organized towns, but it would

be quite a complicated procedure. I think that is one reason why the State should have an interest in it.

The State has a further interest in our forests. We all use them for recreation. We use them for hunting, for fishing. We certainly can't deny that we have a combined share in all of these forest areas. And I am sure that people that have built camps out in our lake areas, and I am sure that around some of the lakes in my own territory, if this spruce budworm thing were allowed to go to where it got to the point where the trees were falling down, people are going to have some camps around those lakes that are going to be in not an attractive setting, if we go to the point where we allow this thing to get to the area where we will have big forest fires, which naturally follows, allowing this chance to develop.

I certainly oppose the motion for the amendment of the gentleman from Strong. I feel that this is a problem that we should share in the usual manner that we have, and I hope that you do not accept his amendment.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise only to support my good friend, Mr. Bragdon, in his remarks and also Mr. Finemore, to oppose this amendment.

Now this bill was heard before the Taxation Committee, and we had the privilege of seeing some very large photos that had been enlarged, showing us what the spruce budworm is doing. Now I am not a hunter or a fisherman and I do not own any wood lands, but it would only seem practical to me that when there is 500,000 acres involved that is infested with this disease, that it is up to us here in the legislature to appropriate the one-third state share that is necessary. Now as Mr. Bragdon said, owners of the land will be coming up with one third, the Federal Government one third and we come up with one third.

We do have access to much of this land. There are many ponds and streams, roads in there. We

do go in there to hunt and fish, the people who do hunt and fish, and this is protection of the resources of the state. And I think if we are concerned at all in any protection of the resources and what we have here now, that this would be money very well spent. I could not see anyone that is concerned with our environment or for the protection of what we have, opposing anything to spend some money in this area.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Very very briefly, I raised the same question that the good gentleman from Strong, Mr. Dyar raised, whether or not the landowners and the Federal Government were contributing what they should. And this thing, I was told, would be looked into for the future and it would be too late now to do it, and it would prove to be very harmful to the program. That is why in committee I acquiesced and went along with this amendment that Mr. Dyar has.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: One thing here I don't quite understand, am I to understand that in unorganized territories, where the big lumber companies own this, it is going to be paid for, and then I own land in an organized territory that I must pay my own and I will be billed for it? Aren't we going to use everybody the same? Doesn't this spruce budworm kill my trees just as well as the rich man? I would like an answer.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I hate to rise again, but in answer to the question just presented, no, they pay all the cost, organized and unorganized land, naturally. Because the budworm, if there is just one tree out here on the State House lawn, that could spread all over Kennebec County; so therefore they pay it.

I might also add here that the landowners themselves have come in, willing to contribute 1½ mills tax on their land to go along with this. So they are paying far more than their share we are asking here. I think we are using a lot of time this morning on something that is a great help to the state, because right up here in the section that I mentioned, there are cottages there, hundreds of them not one or two cottages, hundreds of them in that district. This is really destroying the territory around them and making them worthless. They will be moving out of there, and that will be money lost from taxation for the State.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to stand here and say that I truthfully agree with everybody who has opposed this amendment. The thing that bothers me is there is no control of the bronze birch worm or to control the insect that is killing the oak here in this state. And I am concerned that we are worried about our fir and spruce that we should be worried about, but yet the birch and oak are not paper products.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that House Amendment "F" 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. 96 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

Mr. Cooney of Webster offered House Amendment "M" and moved its adoption.

House Amendment "M" (H-610) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: As some of you may recall from the meeting Friday, where the Appropriations bill was explained to the membership, there was some discussion as to cuts

made in the Drug Abuse Commission's budget. And committee members mentioned at the time that one of the reasons was they were doubtful whether some of the funds going especially to rap centers were productive.

After that meeting several of my colleagues and I discussed ways that were constructive in fighting drug abuse, whether we could restore funds for some of those purposes. One of the ideas which came out of those discussions was the one offered already this afternoon, or this morning by Representative Martin, concerned with providing money to make drug buys.

Well I left that afternoon not knowing whether there were any other programs or any other ideas that also could merit funds for drug abuse. And on the way home I stopped at one of our fine hamburger havens out here and was standing at the counter waiting for my meal and I was talking to a member of the Appropriations Committee, Mr. Birt, who was also waiting for a hamburger. We were talking about this problem of drug abuse and what programs were productive and what could be done.

And there was a young lady behind us, overhearing our discussion, and she interrupted us and she said, "I know a program that really needs some money." And she suggested the drug education program in the Department of Education as being a program which she had been involved in, which she understood was out of money and could not continue without it. And to our surprise, another gentleman on my left, who was also standing waiting for a hamburger, piped up and said I am a principal from a high school up in the northern part of Maine — I forget the name of the high school right now. He said, "I have sent teachers to their program and it is the best thing we have going in drug abuse today." So I know I walked out of there wondering what this program was and whether it was something we ought to consider.

Well I called the Chairman of the Drug Abuse Commission and I asked him whether there were

any programs or what was the most critical program he thought should receive the funds that were cut out of the budget. To my surprise and not to my surprise, he suggested the same drug education program.

So today I present this amendment restoring funds to the Commission, not unsecured to be spent on anything, but to be spent on one of the programs in the state that needs money and to the best of my knowledge does not have it. So I urge you all to support this amendment.

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

Mr. BIRT: Mr Speaker, Ladies and Gentlemen of the House: This kind of seems to put me in a rather tough position. I wasn't part of that conversation up there until I finally got my hamburger and went over with my wife and sat down, so I didn't hear the whole of it. But to discuss this entire drug program, I think we are all very very conscious of the problems of drugs and realize that it is a very definite problem.

I think that the members of the Appropriations Committee feeling was that we have done a great deal in the area of drug prevention and education this year. But to review what was done in the regular session, chapter 138 of the private and special legislation, there was \$35,000 appropriated for the State Drug Abuse Council to be used in the area of education, relating to the purchase of films, training materials, and literature to be used by the Council for combating drug abuse for education to teachers, Health Improving Methods and Dangerous Drug Education.

The printing of the Department of Education booklet on curriculum development gives some information on dangerous drugs and the establishment of a state wide answering service as an information referral source for individuals with problems relating to dangerous drugs.

In the same bill, there was another \$75,000 appropriated to provide funds for grants to assist local drug abuse programs in any

balanced material. The third part of it is for matching funds, \$30,000 which was allocated, and \$30,000 actually each year, for matching funds for the Department of Education to provide funds for state participation in drug education program. So altogether in that, there is \$170,000.

Now, in this special session, in the L. D. that we are now considering, there is an additional \$25,000 to provide additional funds for grants for the next year and a half or the balance of this year and next year. We also did this morning, in the Appropriations Committee felt that after talking it over, that this was a worthwhile program and we did support an amendment for \$34,000 to take care of purchases which the gentleman from Sabattus, Mr. Cooney, indicated. All together, this comes to a total of \$200,000, \$199,000, which has been appropriated by this legislature so far this year. And that doesn't include the Federal matching funds which are coming in, which some of these programs will generate. We feel we have made a good effort, we have some questions in our mind from some of the comments as to just which one of these programs are successful and which ones are not. Apparently some of them are not doing the job that we wish they could do.

I think our feeling is that we would like to feel that we have made a good effort this year, that this is the amount of money that we feel is what we want to put into the drug program and wait until next session, and then we could evaluate the programs that we have put money into and see whether they work successfully. If they have, we will probably continue to support them where we feel necessary and able, and if they haven't, we will reallocate the money to other programs that do prove more successfully.

I would move, therefore, for the indefinite postponement of this amendment.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt moves that House Amendment "M" be indefinitely postponed.



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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote against the gentleman's motion to indefinitely postpone. I think we are all aware that this is probably one of the major problems or the major problem facing our youth.

Now, we have done well to provide means to buy from pushers and so on to control it in that method, we have done well to try and stop this and to try to catch the people who are using. But what little I know about it, and I am not an expert, education about the drug problem is the answer to the problem. It really is the answer to the youth and to the people who are dealing with the problem.

So I would certainly implore you to vote against the indefinite postponement of this amendment and when the vote is taken, I would hope that it would be taken by the yeas and nays.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I also rise in opposition to the motion. I think we have got to solve the problem. Once those people are hooked, we have got to somehow educate them that there is a way out, and this is the way to do it.

I certainly hope that you would vote against the motion of indefinite postponement.

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 East Millinocket, Mr. Birt, that House Amendment "M" be indefinitely postponed. If you are in favor of the motion

you will vote yes; if you are opposed you will vote no.

### ROLL CALL

YEA — Baker, Bernier, Birt, Bragdon, Call, Carey, Clark, Donaghy, Gagnon, Genest, Hall, Hardy, Haskell, Hawkens, Hayes, Hodgdon, Jutras, Kelley, R. P.; Lewin, Lincoln, Mosher, Porter, Rand, Rollins, Scott, Shaw, Susi, Trask, Williams, Wood, M. W.

NAY — Albert, Bailey, Bartlett, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bourgoin, Brawn, Brown, Bunker, Bustin, Carrier, Carter, Churchill, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Curran, Curtis, A. P.; Curtis, T. S. Jr.; Dam, Dow, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Gill, Good, Goodwin, Hancock, Herrick, Hewes, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lee, Lessard, Lewis, Littlefield, Lizotte, Lucas, Lund, Lynch, MacLeod, Maddox, Mahany, Manchester, Marsh, Marsteller, Martin, McCormick, McTeague, Millett, Morrell, Murray, Norris, Orestis, Payson, Pontbriand, Pratt, Rocheleau, Ross, Sheltra, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Tanguay, Theriault, Vincent, Wheeler, White, Whitzell, Wood, M. E.; Woodbury

ABSENT — Ault, Barnes, Bardard, Berry, P. P.; Crosby, Cummings, Cyr, Drigotas, Dudley, Gauthier, Henley, Immonen, Kelley, K. F.; Lebel, McCloskey, McKinnon, McNally, Mills, Murchison, O'Brien, Page, Parks, Santoro, Smith, D. M.; Tyndale, Webber, Whitson, Wight

Yes, 30; No, 92; Absent, 28.

The SPEAKER: Thirty having voted in the affirmative, with ninety-two in the negative, with twenty-eight being absent, the motion to indefinitely postpone does not prevail.

Thereupon, House Amendment "M" was adopted.

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

House Amendment "D" (H-595) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment under filing number 595, deals with funding for the Maine Commission on Drug Abuse. Let me just tell you what has happened. It is unfortunate, but it is true.

The Commission was established by an act of the legislature last time, by us, as the gentleman from East Millinocket told you, by Chapter 379, Public Law 1971. We did not appropriate funds, however, for the Commission. We instead knew, at that time, that funds would be coming from the Mental Health and Corrections through the Block Grant program. The Block Grant program from the Federal Government allocated funds to the Commission. Those funds will expire.

At the present time, unfortunately for us I guess, the Federal Government has failed to act. In a letter from the chairman of the Maine Commission on Drug Abuse, which was dated on February 25, after the Appropriations bill hit the floor, I would like to quote from it briefly.

"Funds to operate the Commission were expected to be provided by the Federal government. However, to date the Congress has not funded a national drug abuse program which would include formula grant funds to the various states. A major national bill was passed by the U.S. Senate, and the U.S. House of Representatives. Both measures are being considered by a Joint Committee of the House and Senate. However there are no federal funds at present to finance state costs for drug abuse program administrative operations, it is recommended that your office initiate action to provide 71-72 and 72-73 funds."

I can fully understand the reasons why the Appropriations Committee deleted it from the bill. They assumed that Federal funds were going to be forthcoming to make this a continuing operation.

However, at the present time, the Federal Government has not allocated those funds. So the question now becomes a very simple one. Do we wish not to have a drug program operated by the Maine Commission on Drug Abuse until

such time as the Federal Government gives us the money for administrative costs? I personally would rather see us put up the money in anticipation that it might come later. And when it does come, I have been assured, as much as anyone can be assured by the Federal Government, that they would then reimburse us. But here, I will be frank with you, let's not plan on it.

So I would hope that we would adopt House Amendment "D" to continue funding the Maine Commission on Drug Abuse.

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

Mr. CAREY: Mr. Speaker, I know it is extremely unpopular to speak against any of these bills that bring up money for drug and drug needs, but this is a little different matter. We are speaking of hiring five people and spending \$60,000 in the second year of the biennium, and this is all in administrative cost. Not one cent is going to go towards any programs in this particular item.

Now, the gentleman from Eagle Lake, Mr. Martin, says that the Appropriations Committee had cut this out of the bill, and I am looking through 1982 quite hurriedly, and from his particular conversation and the amendment, it says that this is to be inserted before the Maine Maritime Academy so I assume it would have been there previously in the bill, but in two sections the Maine Maritime Academy is mentioned, in both sections immediately preceding it are the Indian Affairs Department, so it was never in 1982 to begin with to my knowledge.

When we discussed Chapter 379 of the Public Laws of 1971 and he asked for money for administrative cost, let me point out that Section 3364 of that particular chapter stated "The Maine Commission on Drug Abuse for administrative purposes shall be lodged in the Executive Department with authority to request any State Department or agency, whether or not represented on the Commission, to provide such personnel, financial assistance, facilities and data as will help the Commission fulfill its responsi-

bility." And if this is the case, I am wondering why we need five additional people at \$60,000 a year.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Even the minority leader can be wrong once. The gentleman from Waterville is right, there are no funds in the original L. D. that was presented to the Appropriations Committee. The funds that the Maine Commission on Drug Abuse is presently using came from a Block Grant through the Governor's Office from the Federal Government for the operation of the drug commission.

Those people that we are referring to as being additional employees, those are the people that are presently there. We are not talking of any additional employees whatsoever.

So, what I am saying to you, if we wish to continue the operation, then we need to have the amendment. I am sorry to say that I suspect that the amendment was not offered to the Appropriations Committee because at the time it was assumed that the funds would be coming from the Federal Government.

And secondly, the amendment was not offered in the other body because again, everyone thought it would be all right and it is unfortunate that it is coming to us today. But we really have no choice if we want to continue the program. I repeat, it does not mean any new employees other than those that are presently there right now.

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

Mr. CAREY: I can't quite understand the reasoning in your new employees. We have five people now that are not costing the state any money, that is one thing. When we take five employees and put them on the state payroll, then obviously we are hiring five employees.

I would therefore move the indefinite postponement of this amendment.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Of course, we would be putting five employees on the payroll. They are presently on the state payroll now through a block grant, that was acquired from the Federal Government.

The only thing I am telling you is this. If the State does not take this action, then those employees that are there will no longer be there to do the administrative job of the Maine Commission on Drug Abuse.

Now, that is all I am telling you. I have a letter here from the Maine Commission on Drug Abuse and it is signed by the Executive Director and I also have the information from the Federal Government that those funds, if the bill ever gets through Congress, which is doubtful the way Congress is operating lately, then we may have those funds to continue the operation at no cost to the State of Maine. Right now, there are no Federal funds available to continue the program. The program that we now have will be going out of existence when the Federal Block Grant goes out.

So I would ask you to vote against the motion of the gentleman from Waterville.

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

Mr. SILVERMAN: Mr. Speaker, I would like to pose a question through the Chair to the minority floor leader. What have been the accomplishments of this drug commission to date? And the other thing that is bothering me even after last week where you saw the strong stand, we feel, stopping drug abuse to our young folk, if we have a program in the Educational Department, in the University Department, a Maine Drug Abuse Commission in the Safe Street Police Act, if we are going off in possibly 6, 8 or ten different directions, will that actually solve the problem or are we spending money and not showing too many results?

In other words should we come up with one program that is a fine program that is workable?

The SPEAKER: The gentleman from Calais, Mr. Silverman, poses a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may answer if he chooses.

The Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The Maine Commission on Drug Abuse is composed of Representatives of all the various departments throughout the state. They are in effect the coordinating body for drug education in Maine. Now, when you asked me what are the accomplishments, I don't have a list of what they have done and what they have not done.

I do know they are working in five areas. One is prevention, two is treatment, three is rehabilitation, four is in-patient care, and five is education. And I think that the last point that he made in reference to the educational one is what basically he was referring to. They are attempting to coordinate what is being done in the educational institutions.

For example, those funds that we allocated to the Department of Education, the department has a representative on the Commission and it is based on that type of operation. Of course, what will happen if we do not have the Maine Commission on Drug Abuse is that you are going to have people going off in all these directions. This is a coordinating attempt as enacted by the public law last time, that we passed during the last session of the legislature.

I hope I have responded to the question.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "D" be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

74 voted in the affirmative and 44 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake requested a roll call.

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

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

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

Mr. CAREY: Mr. Speaker, I would ask all the members in this House not to be intimidated by a motion for the roll call in changing their vote. This is pure and simple, an opportunity to put five new people on the state payroll when they have the opportunity now to use existing facilities.

We have absolutely no idea when the Federal Government is going to fund this thing, so unfortunately, we may be funding it for the next five or ten years.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to try to tell you that you ought to vote any way on this, let me just read this letter and please do what you think you ought to do. This is addressed to the Governor's office, to Allen Pease, Administrative Assistant of the Executive Department, State House, Augusta.

"Dear Mr. Pease:

There is attached to this letter a special request for operational funds to support the Maine Commission on Drug Abuse for the remainder of this biennium. It is requested that an amendment to L. D. 2047 be effected so as to provide funds to this Commission for operations.

It was declared policy of the Legislature to confront the serious problem of drug abuse by establishing a Commission (Chapter 379, Public Law 1971) to coordinate the

work of all state agencies dealing with the drug abuse problem and, at the same time, provide support and guidance to the drug abuse efforts of local governmental units and private agencies concerned with drug abuse problems.

Funds to operate the Commission were expected to be provided by the Federal government. However, to date the Congress has not funded a national drug abuse program which include formula grant funds to the various states. A major bill was passed by the U.S. Senate. (Muskie Bill S-2097) and the U.S. House of Representatives has passed a companion bill. Both measures are being considered by a Joint Committee of the House and Senate. Since there are no federal funds at present to finance state costs for drug abuse program administrative operation, it is recommended that your office initiate action to provide 71/72 and 72/73 funds.

A state program administrative effort is essential and continuing fact finding and planning must be accomplished.

Initial operational funds for the Commission were derived through a developmental grant from the Mental Health Improvement Fund, Department of Mental Health and Corrections amounting to \$30,000. We have been informed that we can expect no further funds from this source. It is estimated that these initial commission operational funds will be exhausted in the month of May 1972.

The appropriations requested represents a minimal state effort. These funds will allow the Commission to plan for the most efficient use of federal and state funds in consonance with the responsibilities contained in paragraph 3365, cited Public Law 379.

Submitted on behalf of the Maine Commission on Drug Abuse.

Sincerely yours,  
Richard W. Carbonneau  
Executive Director  
Maine Commission on  
Drug Abuse."

And that is all I have to tell you.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that House Amendment "D"

be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Bailey, Baker, Bartlett, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carter, Churchill, Clark, Collins, Conley, Cooney, Cote, Curtis, A. P.; Cyr, Dam, Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Genest, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hewes, Hodgdon, Jalbert, Kelleher, Lawry, Lee, Lewin, Lewis, Lincoln, MacLeod, Maddox, Manchester, Marsteller, McCormick, Millett, Morrell, Mosher, Murchison, Orestis, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Simpson, T. R.; Stillings, Susi, Trask, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Bernier, Berry, P. P.; Boudreau, Bourgoin, Bustin, Carrier, Clemente, Cottrell, Curran, Curtis, T. S., Jr.; Dow, Doyle, Emery, E. M.; Faucher, Fraser, Good, Goodwin, Hancock, Jutras, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lessard, Littlefield, Lucas, Lund, Lynch, Mahany, Marsh, Martin, McTeague, Murray, Norris, Parks, Shute, Silverman, Simpson, L. E.; Slane, Smith, E. H.; Tanguay, Theriault, Vincent, Wheeler, Whitzell.

ABSENT — Ault, Barnes, Bedard, Crosby, Cummings, Drigotas, Dudley, Farrington, Fecteau, Gauthier, Gill, Herrick, Immonen, Kelley, K. F.; Lizotte, McCloskey, McKinnon, McNally, Mills, O'Brien, Page, Santoro, Sheltra, Smith, D. M.; Tyndale, Webber, Whitson,

Yes, 76; No, 47; Absent, 27.

The SPEAKER: Seventy-six having voted in the affirmative and forty-seven in the negative, with twenty-seven being absent, the motion to indefinitely postpone does prevail.

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

House Amendment "Q" (H-614) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: When I saw the letter assigned to my amendment, I figured there must have been a reason and they assigned it to me because the word queer begins with Q, and they figured this was a queer amendment to offer to cut down building any more of these monstrosities in the state. So evidently, they feel that this might be a funny amendment. But to my mind, it is not.

I think we are spending a lot of money to remodel this building here, I think some of the money is very ill spent, because I have been told that to remodel one toilet room facility for the men or the males on the first floor has cost them \$38,000 and to me this is an ungodly price when you already have the pipes and the water and the sewage right in that room and it only amounts to putting up a little steel, lath and plaster and buying some fixtures.

I think the other day, Mr. Bither made a good suggestion when he said that maybe we should get some money for some of our fourth floor offices or if not maybe we could use them to better advantage ourselves. We passed quite a few reorganizational bills and we have been told continually that this is going to make for more efficient operation of State Government and through the process of attrition we are going to eliminate some of the state employees.

There has also been measures before us, such as the one prior to mine here, that would have created another state agency, which would have needed space and put them on a state payroll. We have seen a monstrosity built across the way, which they call the State Office Building, and every time an office building is built, there is empty space, it seems almost a must that another agency or another department must be created to fill those empty offices. If they don't create another agency or department, they expand those that we already have and then they start going out hunting for more space. Now, I am sure that by the time I sit down, somebody will stand up and tell

you that we are renting office space up in the shopping centers, and that we are all spread out over the City of Augusta in various offices.

This is true. I would not deny this. But I still think that maybe we don't need to be in the shopping centers, maybe we don't need to be spread out. If these reorganizational bills are so good and they are going to do everything that is claimed they are going to do, and they are going to save us several million dollars and eliminate some state employees, then I think maybe we should hold off in planning a new office building.

I don't think think this is money, \$140,000 well spent, because I think we should wait and see. I don't think we need this building. I think it is something that has been dreamed up by a few of the Department heads involved that would like to have a new facility and I still go back to the same old argument that I have used many times before in this session, and also in the 104th, that in the last ten years there has been no great population explosion in the State of Maine. There has been no great increase in our population. Yet, State Government has continually increased, we are hiring more more more every day. It never fails. We are creating new offices. The different departments are expanding their services all over the State of Maine into offices.

In my town alone, the Department of Health and Welfare rented a hardware store that had moved down onto the Main Street, and the building had originally been a garage. They dumped many thousands of dollars into it to remodel it and hired more employees, put in 11 telephones; and I only come from a small town, 7,601 people in the last census. But this seems to be something that has just gotten into the people who work for the State, the heads of departments, the bug has bitten them to expand. And still, all these services are being expanded and the money is coming out of the same class of people that they got the money out of ten years ago, twenty years ago.

Because there has been no big growth, as I said before, in the State of Maine.

You are still hitting these same people continually, day after day, week after week, year after year. Now I don't think the people in the State of Maine, and when I say the people in the State of Maine I think that the majority of the people in the State of Maine, I don't think they want to see any more monstrosities created here. I don't think they want to see any more departments created in Augusta in state government. I think they would like to see a little sanity and a little conservative-minded people coming in here and trying to save them some money and not keep this ungodly spending going on.

Now many times Mr. Jalbert has stood up and said that we are building in — and if my memory serves me correctly — around \$55 million built-in increase in the budget for the next session to face. Now we are here today, in this L.D. 2047, talking about planning an office building.

Well you know yourself, it is no different than when you get into a community where somebody wants to be involved in a school building program. They keep hammering, hammering, hammering, until finally they get the plans drawn up for the building and then they say, "Well, we spent one hundred fifty or two hundred thousand dollars and we don't want that to go down the drain, because we can't waste that money. Let's spend two or three million dollars more or five million dollars more and build a building, because this protects our \$200,000 investment."

And this is just what we are doing here today. We are going to spend \$140,000 and next session they are going to come back and want to bond this thing or find some money out of surplus to put up another monstrosity somewhere else. I just don't think it is needed, and I hope you support my amendment.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: We

discussed this at quite some length. I think probably the gentleman from Skowhegan discussed both sides of the issue quite adequately and explained out most of the points that I would be able to make. Undoubtedly, in the very near future we are going to have to make a move in this direction, and we felt that some of the initial planning should be done so that possibly we might have some idea in the next session exactly where we are going.

I would hope that this amendment is not adopted, and I will move for its indefinite postponement.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the indefinite postponement of House Amendment "Q".

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to support the indefinite postponement of this amendment. Whether you like it or not, state government has been growing over the years. We who have been here can take the responsibility of it. We are the ones who have created these departments. We have got them at the point where they are on the shoulders of each other now. We have them in shopping centers; we have them in some houses that the State has had to buy, and except for the fact that this is an election year, I think that we have got to admit, those of us who have been here, that we do need a new facility.

Now this just calls for the planning and design of a new facility. It is not appropriating any monies for the purpose of construction. But I would just bring to your attention that if you're not aware that our government agencies are crowded you are just not with it.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "Q" 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. 43 having voted in the affirmative and 61 having voted in the

negative, the motion did not prevail.

Thereupon, House Amendment "Q" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I now move we reconsider our action whereby we indefinitely postponed Senate Amendment "J", under filing number S-372 and I now move its adoption.

The SPEAKER: The Chair understands that the gentleman from Old Town, Mr. Binnette, moves that rules be suspended for the purpose of reconsideration. Is there objection to the rules being suspended?

(Cries of "Yes")

Suspension of the rules requires a two-thirds vote. The Chair will order a vote. All in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken, 50 having voted in the affirmative and 54 having voted in the negative, the rules were not suspended.

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

House Amendment "I" (H-603) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't expect much different final result of this one than some of the others, but I felt strongly enough in introducing this one that I felt that I had to do it from personal conscience if for no other reason.

House Amendment "I" would allocate \$100,000 that was taken out by the Appropriations Committee to the Mental Health and Corrections Department to give more money to the Dietary Improvement as presently being attempted at the State institutions, and provide that food costs would at least reach one dollar per day, per institutional resident. It seems to me that it is the least that we can do for people that are in mental institutions in this state.

I know that there are people who are going to argue that funds are presently available within the

department, funds presently there ought to be used. I am not going to even argue that point. All I am going to tell you is that it is not being done. It seems to me that how any one can survive on institutional food at 62 cents per individual per day is just not being realistic.

Two days ago I was told that if certain people in the institution, the employees, were not eating there and getting the best food that we wouldn't be caught in this box. But new correctional people, at Bangor State at least, have initiated a program of employees paying for what they get, which is a heck of a lot more than what they were doing before.

I hope you endorse this amendment, and I hope that you pass it. When the vote is taken I move that it be taken by the yeas and nays.

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

Mr. GILL: Mr. Speaker and Members of the House: I rise to move the indefinite postponement of House Amendment "I". I don't like to be put in a position of opposing improvement in a dietary supplement, so I feel I will put the blame where it belongs, which is on the Commissioner of the Department of Mental Health and Corrections.

I will point out to you that his department in the last year has had a decrease of 15.45 per cent in the patient category. Actually, this figure totals about 3,505 patients or inmates that are under his care. This is a drop of almost one half from five years ago.

I will point out to you that the Commissioner has received more money every year, more employees. Mr. Martin referred to this as a kind of hundred thousand dollars. I believe the request was \$100,000 and we reduced it to \$50,000.

Actually sometimes in Appropriations you think we get a little bit on the hard side and perhaps we do, but there becomes a point when you see these departments coming in constantly, one right after the other, who feel if they get a big play on the tube, on TV,



that they can swing us around. And I will say that I think every member of the Appropriations Committee is concerned with the welfare of the patients and the inmates. But there comes a time when you have just got to try to weed out the chaff from the wheat, so to speak.

I am convinced that this department could very well take a half a million dollars more and next year be back for more.

If anyone can tell me of a rationale with a decrease in the number of people that they are charged with taking care of, why every single biennium they need more money and more staff, I would be glad to accept an answer to that question.

And I would just state that, as Mr. Martin inferred some people would say, the commissioner can do it, he has got the money. Well let me tell you the truth, that is his job. It is not to stack his office with more planning research people, which is done.

The administrative personnel of the Department of Mental Health and Corrections has grown tremendously in the last five to ten years, but yet we have increased the help in the field for a far less number of patients, and we are picking up these patients in the department of Dr. Fisher's. We have put in money for 350 more people that are going to be released from these institutions. So I think the time comes when you just can't say, "Oh, they are against an improved diet." We are not against an improved diet.

We feel they can do it with this \$50,000 and with the enactment of a bill that was signed by the Governor relating to employee maintenance. It may mean a few of the top staff will have to go to George C. Shaw somewhere to buy their steaks, or something of this nature, but you can't serve patients much more than a mush of gruel when the top staff has taken off the tenderloins and things of this nature. And if you don't think this is true, we're out of it again. But I do say they have got the money to do this.

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

Mr. DYAR: Mr. Speaker and Members of the House: I hate to talk about food at this time of day, but as a member of the Health and Institutional Services Committee having gone across the river to the Augusta State Hospital, and we were told by high level staff that when money was needed the first place they got the money from was from the food account to pay other bills.

Now we have been told by employees at the Augusta State Hospital that they served Maltex cereal over there every morning for ten weeks in a row with two teaspoons full of sugar they could put on their cereal in the morning or spread out during the day. So I think you could fund this dietary account until the cows come home, but the people in our state institutions won't eat too much better.

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 South Portland, Mr. Gill that House Amendment "I" be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Baker, Barnes, Bartlett, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carter, Clark, Collins, Conley, Cooney, Cote, Curran, Cyr, Dam, Donaghy, Doyle, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Finemore, Gill, Good, Hall, Hardy, Haskell, Hawken, Hayes, Henley, Herrick, Hewes, Immonen, Jalbert, Jutras, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lessard, Lewis, Lincoln, Littlefield, Lund, Lynch, M a c L e o d, Manchester, Marsh, Marstaller, McCormick, Millett, Morrell, Mosher, Murchi-

son, Orestis, Parks, Payson, Porter, Rocheleau, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Theriault, Trask, Wight, Williams, Wood, M. W.

**NAY** — Bernier, Binnette, Boudreau, Bourgoin, Bustin, Carrier, Churchill, Clemente, Cottrell, Curtus, T. S. Jr.; Dow, Fraser, Goodwin, Hancock, Kelleher, Kelley, P. S.; Keyte, Kilroy, Label, Lucas, Mahany, Martin, McKinnon, McTeague, Mills, Murray, Slane, Smith, E. H.; Tanguay, Vincent, Wheeler, Whitzell, Wood, M. E.

**ABSENT**— Ault, Bailey, Bedard, Crosby, Cummings, Curtis, A. P.; Drigotas, Dudley, Farrington, Fecteau, Gagnon, Gauthier, Genest, Hodgdon, Lewin, Lizotte, Maddox, McCloskey, McNally, Norris, O'Brien, Page, Pontbriand, Pratt, Rand, Rollins, Santoro, Sheltra, Smith, D. M.; Tyndale, Webber, White, Whitson, Woodbury.

Yes, 83; No, 33; Absent, 34.

The **SPEAKER**: Eighty - three having voted in the affirmative and thirty-three in the negative, with thirty-four being absent, the motion to indefinitely postpone does prevail.

Mr. McTeague of Brunswick offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-605) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the same gentleman.

Mr. McTEAGUE: Mr. Speaker and Members of the House: House Amendment "K" deals with the Donated Commodities Project. This is a project in existence in many of our communities now and I am somewhat familiar with it since in our town it is just down the street from my office and I see the people line up for the commodities.

I think most of you have a general familiarity with the type commodity that we are dealing with, everything from ham to powdered milk. The problem that faces us at this time is a cutoff of some federal funds which are used for administration. As it stands now the cost of administration is borne by the Federal Government, the State, and the municipalities and counties. We are about to under-

go a cutoff of some of these federal funds which are used for administration.

I feel that this project is a very good investment because the food which comes from the Department of Agriculture comes into the State of Maine without any cost to us. We pay for the administrative cost of distributing the food, but we don't pay anything for the food itself. There is a ratio of administrative cost to the value of the food of about 14 to one. In other words, we get about a dollar's worth of food and we pay about six cents or seven perhaps on the administrative cost of putting out the food to the people.

I think you are familiar with the groups who are eligible for these donated commodities and it goes considerably broader than welfare recipients. They include people who are working with families who are not making a large wage and they include our retired people and social security recipients. If we do not fund this project we will lose the donated commodities approach to putting out surplus foods. If we don't spend that seven cents for the cost of administration, we will lose the balance of the dollar which is the value of the food.

Now it is true that there is another possible way to take advantage of the federal food surplus programs, and that is the Food Stamp Program. To my knowledge one of our counties, Androscoggin, has done that, and it is true that there is permissive legislation so that other counties could legally engage in the Food Stamp Program.

The question is, will the county commissioners desire to, and will they have adequate funds available to fund the food stamp program? As you know, the county budgets have already been made up and there are other desires to go into the surplus account and there is a limited amount available in the surplus account.

So we have a chance today by spending a very considerable amount of money, and in the biennium it is almost a quarter of a million dollars, to receive a return in the State of Maine in food

of about 14 times that amount. If we don't provide these funds for the administration program, we will lose the benefit of the food.

We have some figures available that were passed out to you yesterday regarding the number of people in Maine that participate in this program. The number for the fiscal year '71 was over 80,000 people a month and it is projected for fiscal '72 to be 87,000 people per month. That is roughly ten percent of our population.

We might feel that it is unfortunate that the Federal Government, that started us on this program and provided some of the administrative cost is now about to back off, and that we might have to bear a part of the administrative cost. It is true that this sometimes happens. It has happened in the past in federal programs.

Any time that you can pay just the administrative cost and end up with the food it strikes me as a good deal and it strikes me that we are not keeping our eyes open and being prudent as we should financially if we don't accept it, because if we don't spend this money in this way for the administrative cost of the program, the people who are getting the donated commodities still have the need and will pay for it one way or the other. Will pay for it out of our town aid. Will pay for it because the people don't have groceries and they have to go in and here you pay 100 cents on the dollar rather than seven on the dollar.

I think the program has worked well around this state, I know it has worked well in my town; and I would hope, Mr. Speaker, that we would adopt this amendment so that we can continue the program that we have at this time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Brunswick, Mr. McTeague has given you his version of this program. I am very well acquainted with it. One thing that the gentleman from Brunswick forgot to tell you is that each and every county in the state — he talked about Androscoggin

County having the Food Stamp Program, which is incidentally, in my opinion, far superior to the donated food program. But one thing that the gentleman from Brunswick, Mr. McTeague forgot to mention is the fact that in the bill that has already been signed into law at this special session, the donated food program is in it. Number one.

Number two, he talks about the failure of putting in six or seven cents per we might lose all these monies. This is not so because in the bill also it would allow the counties, permissively, to go into this program. Originally the County of Androscoggin was singled out as a pilot program for food stamps. So at the last session of the legislature, because there were several bills put in that other counties wanted to go into this program, I introduced a bill that would allow all of the State of Maine, all of the other fifteen counties, to go into this program.

This bill was defeated. However, the Appropriations Committee allowed Androscoggin County to retain its program for awhile and it also allowed any county that wanted to go into the Food Stamp Program to apply to the United States Department of Agriculture. If they were accepted, then they would be considered by the Health and Welfare Department to go into it. When the bill was heard by the Committee on County Government at the special session, they added to it the donated food program, which is now law. Which means that the few pennies will have to be paid for by the counties out of the contingency account.

Now as far as I am concerned now this is law. In Androscoggin County we are paying out of our county, we have used EAA funds and we are going to have to use some of our own county funds besides. Piscataquis is about ready to go into it. Kennebec and Somerset is about ready to go into it.

Why should these people pay — I am talking now that they are about ready to go into it as a county, why should these kind, Penobscot is thinking of this same thought and so as a matter of fact is the county from where the gen-

tleman from Brunswick, Mr. McTeague resides. Those counties that don't go into it, it is all right. But those counties that did go into it, why should they pay for the counties that aren't in it? And that is exactly what this would do, coupled with the fact that the spread would be very small anyway.

I see absolutely no need for this. It is permissive for any county to go into it in the bill that has already been signed by law, and donated food or in the program of stamps.

So consequently, Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "K" be indefinitely postponed.

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

Mr. HEWES: Mr. Speaker and Members of the House: Food is an essential in every person's living. Now it seems to me it is sound business practice to receive 14 cents back for every cent of investment. We are sometimes afraid that dollars that are given for aid are not being used for the purposes intended, but how can food be used for anything other than the welfare of the people? I hope that you will defeat the pending 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 am sorry to get up again. I certainly would be the last one to take food away from anybody. This only means that the county will pay for it instead of the state, and somewhere along the line we have got to start building a program. But if I have it out of my county and I pay for it and you don't want it out of your county, why should I pay? And if you do have it in your county, why now under law, where I have got to pay for it out of my county, why should I pay for yours? If you want it in your county, you pay it; if I want it in my county, I pay; if

somebody else wants it in their county, they pay. It is as simple as that.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: The document Mr. Jalbert is referring to is L. D. 1903. And this was changed and varied a little bit to make permissive legislation for all counties, to do just what Mr. Jalbert has said.

The SPEAKER: The Chair will order a vote. All in favor of the motion of the gentleman from Lewiston, Mr. Jalbert that House Amendment "K" be indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, 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," Senate Paper 768, L. D. 2047, was passed to be engrossed as amended by Senate Amendment "D" as amended by House Amendment "A" thereto and House Amendment "B," "G," "J," "M," "N," "P," "Q," "S," "T" and "U" in non-concurrence and sent to the Senate.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I know that all of us are here in the House, the majority outside of two people, all of us are seated. The members of the press are here, they could walk out if they wanted any time they want to. The reporter couldn't necessarily walk out, but he is seated. The pages have done a fine job. We here have all walked out, we could all get up and walk out. There are two people who have been standing since nine o'clock this morning, it is now two o'clock. I speak of the Speaker and the Clerk, Mrs. Johnson, and I think we should give them a great big hand. I think it is quite a job that they have done. (Applause)



If the gentleman from Pittsfield wishes to explain the three reports I would be more than happy to listen and then I would be in some position to know where I am going to go. But right now I don't feel qualified to address myself to that problem, and that was the reason that I made the tabling motion.

So I guess what I am saying is, that perhaps someone might explain the three various reports, tell us what is in them and tell us why we ought to have Report "C" rather than "A" or "B".

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: This is a matter that we discussed extensively at the end of the last session, the regular session, and I think that most everybody in the body has given considerable thought to the problems that face law enforcement in the state, and the attempt that this Legislature made to correct some of the difficulties by passing legislation that would provide for a stronger and better prosecution. And I say better meaning both better for the citizens on the street and better for the accused. As we are likely, under this Report "C" to arrive at prosecution that will provide qualified personnel to be running our prosecution system.

Now what happened, of course, is that there were some minor problems with the legislation that we finally enacted last year, perhaps in the haste of the last day, and when the Governor vetoed the bill that we enacted he listed four specific items that were technical defects. Those four specific items have been corrected in Report "C".

I would also like to point out that the Governor did appoint a committee of qualified personnel from throughout the state in various branches of interest in the area of prosecution, and this committee considered in buying a closely divided report, or the majority decided that the bill that we passed was overwhelmingly the better bill.

I would like to read one section

of the report of that study committee.

"At least one member of the majority of the committee thought that a major effect of present arrangements" — that is the county prosecutor system — "is that the county prosecutors, operating without a coordinated state-wide policy, tend to concentrate their prosecution efforts on petty misdemeanors, victimless crimes, and isolated wrongdoing rather than attacking the more systematized wrongdoing of professional criminals. For example, it is hard for county attorneys, operating in considerable isolation from one another, to deal effectively with organized consumer frauds and illegal collection practices that take place across county lines and reach into every part of the state. In evaluating the force of the argument that local prosecutors are the best persons for solving local crime problems, it has to be remembered that the forces that have produced the problems of drugs, consumer frauds, and illegal collection threats are organized state-wide and even nationally. A local prosecutor's office is not well equipped to deal with such problems efficiently. For this reason, local prosecutors have tended to concentrate on the isolated individual person acting criminally alone. The overwhelming majority of crimes or offenses handled in District Court are traffic offenses or minor misdemeanors such as public drunkenness, disorderly conduct, or resisting arrest. It is hoped and expected by the majority of the committee that under a statewide system, the prosecutors would address themselves more to organized, systematic crime and develop priorities for prosecution accordingly."

I could read more of the report and would be happy to make the entire report, including the minority section of that report, available to anybody who would like to study it in more depth.

Again, I would say that there are other people here who are familiar with the problem, understand various other aspects of the Report "C" that make it, certainly in my mind and in the minds of

members of the committee who signed the report, by far the best system and the only workable system that is going to provide a long-range solution for a very very serious problem.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The present County Attorney in Andros-coggin is in the same office as his senior law partner, who is a former county attorney. There are three reports here. I can understand the position of anybody like the gentleman from Orono, Mr. Curtis, or anybody else for that matter, who is on this committee. But it is very difficult in such — and I realize the problem. I myself have been working for months with a very capable attorney who has done it for me as a favor, the Honorable Jon Doyle who was formerly with the Attorney General's office, working it out.

I have a draft of my own, but regardless of that fact, I would intend to go home this evening and discuss the three measures with these two county attorneys and probably a couple of other assistant county attorneys, who happen to be incidentally in the nearby office with them. And I think then and there it would be my intention to call, as Chairman of the Andros-coggin County delegation, to call the delegation together and explain to them what the attorneys have explained to me. I know nothing about this, and then I think probably it would save at least a lot of time for me getting on my feet and probably a lot of time for the others to get on their feet, I would suggest that the same thing could be done by us.

My only motivation is as a time-saver, because we could debate this all day long and I still probably wouldn't know what report to get. And I think it would behoove us to get in touch with the people involved, that we could during the evening, and discuss it among ourselves and then probably we could quickly dispatch with the situation tomorrow with-

out a great deal of debate. I think we would react in the same manner as we did this morning and I think the membership of this whole House should be commended for the tremendous work we did this morning, because in my opinion we saved at least two days by our action. And we did it because the amendments were ready last night, the leadership adjourned, and we had a chance to look them over.

And for that reason, Mr. Speaker, I would hope, if I am in order, that somebody would table the bill until tomorrow morning, say time assigned 9:15, and we would get some action done and save time.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: The opposition to the adoption of this Report "C" are attempting to create the impression that this is an issue and a solution that has been sprung on you in the last five or ten minutes, I think it is a long way from that.

I believe that all of us here, and I mean all of us, every one of us have been well aware for several years that there has been a growing crisis in our court system and the lack of adequate prosecution. We have tried many different attempts and different approaches to a solution for this, and during all of this time while we have been fiddling, Rome has been burning, and the problem becomes more and more acute.

When people stand here this afternoon and say we want to table this for this reason or another, I just can't buy it. We have been well aware of this problem for a long time. These various solutions have been written up in the newspapers; we have talked about them amongst ourselves and I think that the solution that we are reaching now, where these gentlemen go up to the back of the room and talk it over is the one that we need, rather than all of this tabling.

I believe that we had better face up to this today and do something for the people of the State

of Maine that they need and need badly.

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

Mr. GAGNON: Mr. Speaker and Members of the House: I agree with the last speaker. We went through quite a lengthy session on this last spring. This is the same bill, in effect, on report 2055. And I can explain very briefly the difference between these three measures. The only difference between 2053 and 2055 is 2053 is an elected district attorney and 2055 is appointed.

The measure under 2054 is just an extension of our present county attorney system with the emphasis on increased salaries and full-time county attorneys in six of the districts.

Now about a week ago or so Judge Reid had an article in the paper — I don't know how many of you saw it, but he blamed the entire problem with our courts right back in this House, and I think he was more right than wrong. We keep bandying this thing around and all the while we are arguing about it and trying to get politically situated on the matter, our courts continue to bog down and backlogs on the dockets.

Now as far as 2053 and 2055 go, having worked some in the court system in this state, the reason I have my doubts as to whether an elected district attorney is as good as the appointed is because in the past I have seen where an elected county attorney more often than not is not the best man we could get for the job, because he is elected.

You have political situations that become involved in the election process. You have apathy on the public. And in one instance which I can recall, it occurred that a young attorney was elected and backed quite heavily by a group of trial attorneys and was elected into the county attorney position, and he was highly inadequate both from experience and the possibility that he never would be an adequate county attorney.

It turned out that the reason that the group of attorneys had backed him was because they knew

they could beat him in court. And I think that this situation is going to prevail on any elected district attorney situation.

There are a number of people in here that are probably going to object to the appointed position. But I would say there that the people that have to appoint this person, primarily the Attorney General and the Governor, are only going to have to answer for themselves if they put someone in there who is inadequate. So I think there should be quite a bit of caution by these parties before they put someone in there who isn't going to do a good job.

As I see it, the only relief that we are going to have for our courts is to put into effect 2055 and stop arguing on a bipartisan basis as to who is going to have the best position on these bills. And I would hope we could enact this 2055 at this time and put it in to the Governor and I feel in my own mind that he will sign it, and not let it go any further.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Every now and then the gentleman from Pittsfield and I disagree. This I think happens to be one of them. When he told you that I knew something about all of this, and I guess I could read the paper. I can honestly tell you that I didn't know what was coming out of the State Government Committee. I didn't realize that there were three reports. I didn't realize what way they were coming out. Apparently I just don't have the type of communications that he has and the green ball that one can look at and tell us what is coming out of it.

I don't think it is proper for us to make a decision based on the way that we are about ready to do it, if that is the course of action we are going to take. It seems to be totally improper. It seemed to be certainly that there ought to be more time given to this for us to reason this thing out in our own mind, and I am not trying to pull anything here because obviously whether I like it or not,



you know, at least for this special session, the Republicans are still in command of the House. And I am not attempting to exert my power in trying to say that, you know, we want to change anything.

The point is, I think, that I don't know what ought to be done and I think that some thought ought to be given, not only on my part but all of the other members here, to study the three bills, and I don't see what matter it would have made if we had tabled this for one day. Maybe I am all wet, but it seems to me that the gentleman from Pittsfield is attempting to be political in all of this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You know, after a five-hour morning, it is great to have some levity to it, and I really got a belt out of the gentleman from Scarborough making the statement that we can accept 2055 and work out a bipartisan situation. You know we accept report 2055 and I just happened to look at it — Curtis of Orono, Hodgdon of Kittery, Marsteller of Freeport, Stillings of Berwick. Now that is a great start for a bipartisan deal. That is what I call a real good start right there.

Now while the likeable gentleman from Pittsfield, Mr. Susi, was talking, I mean he saw my leader and I walk out back, and once and awhile you know even the best of them lose a little bit of their cool. Well I would like to just inform him that as usual we had a caucus and as usual our caucuses are always open. It was very brief in the back. We just said veto, veto; he went back to his seat and I went back to mine. We just want to study it. If you want a bipartisan effort at least give us a chance to cooperate with you by at least studying the bill. And if you don't, pass this and you will see it right back here.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I put in a county attorney's bill too for this special session, but in the wisdom of both corners

and the rest of the leadership the bill didn't get in because there was another document and we could have something to work with.

This Report "C" irks me to no end because I don't like appointed positions as far as county attorneys go or district attorneys. I am quite surprised at Representative Gagnon. The voters are awfully intelligent to send him down here and the rest of us but they are not smart enough to pick out possible good candidates and people to fill these particular positions.

I am very much against it, and if the motion is correct, I don't know whether it is or not, but I hope it is, I move for the indefinite postponement of Report "C."

The SPEAKER: The Chair would advise the gentleman that such a motion is not in order. The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept Report "C."

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

Mr. McTEAGUE: Mr. Speaker, is a motion in order at this time for tabling?

The SPEAKER: A motion is in order to table at this time.

Mr. McTEAGUE: Mr. Speaker, I would so move, sir, for one day.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves that this matter be tabled for one legislative day, pending the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept Report "C."

Thereupon, Mr. Susi of Pittsfield requested a vote on the motion.

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

A vote of the House was taken.

55 voted in the affirmative and 63 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake 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 Brunswick, Mr. McTeague, that this matter be tabled for one legislative day, pending the motion of Mr. Susi of Pittsfield that Report "C" be accepted. If you are in favor of tabling you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Albert, Bedard, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Donaghy, Dow, Doyle, Dudley, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lynch, Mahaney, Manchester, Marsh, Martin, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Santoro, Slane, Tanguay, Theriault, Wheeler, Whitzell.

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

ABSENT — Bernier, Bunker, Crosby, Cummings, Drigotas, Emery, E. M.; Farrington, Gagnon, Lessard, Littlefield, McCloskey, McNally, Page, Rand, Rocheleau, Sheltra, Smith, D. M.; Smith, E. H.; Vincent, Webber, Whitson, Wight.

Yes, 59; No, 69; Absent, 22.

The SPEAKER: Fifty-nine having voted in the affirmative and sixty-nine having voted in the negative, with twenty-two being absent, the motion does not prevail.

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

Mr. MARTIN: Mr. Speaker, I would pose a question through the Chair to the gentleman from Pittsfield, Mr. Susi. The question basically is this, as to whether or not the gentleman from Pittsfield and others are willing to accept Report "C" today, noting that this will mean the death of any compromise whatsoever in trying to do anything in the field of solving our problems with the county attorney or whether or not he feels so strong that he is not willing to reach a compromise with anyone from this end of the hall?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I forget exactly how that question was put to me, but it is very clear to me how it came through to me, and it came through to me, either you play my way or you don't play at all. And that creates a sort of response in me that I would rather not give.

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

Mr. MARTIN: Mr. Speaker, I rise on a point of personal privilege.

The SPEAKER: The gentleman may state his point of personal privilege.

Mr. MARTIN: I wish to make it perfectly clear that the question that I posed was not aimed at the integrity of the gentleman from Pittsfield. I certainly wish that he would not aim the answer to the question the way he gave it, and I would wish that he would respond to my question.

The SPEAKER: Both gentlemen are out of order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would suggest that we accept this Report "C" this afternoon so that I could make another motion afterward and will speak on my motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I know we have been through this at the regular session. I am unaware of any differences, significant differences between Report "C" and the bill which was passed and did not receive approval. I am also unaware of any reasons that would indicate that Report "C", if enacted, would receive approval.

I know that many members in both parties during the regular session and I would hope during this special session, have tried to work something out, because we all recognize, I think, the signers of "A", "B" and "C", that there is a need and that we need to do something. The question is, what?

It seems to me there are two things involved here—number one, full-time professional people and number two, how do you select them? I used to be, when I was even younger, a great advocate of the idea that all wisdom came by appointment, and in the election of people you got in "political hacks" and so on.

I have had a case or two in the courts, a criminal case or two, and even at one time in the service I was one of these appointed prosecutors. I will tell you a little bit about myself so you can see the glory of the appointed prosecutor, and I suggest to you that you are going to get young kids out of law school, wet behind the ears as these appointed prosecutors, as I was, that know everything and on occasion even win cases, but really know nothing about the very sensitive and human task and responsibility of being a prosecutor.

You know, there is a great need for technical ability in the field of prosecution, and I don't think anyone would deny that. But there is an equally great need for an

understanding of human beings and their problems in the community, and this is the advantage of the one system over the other.

Now it may be that you are more inclined to think that the appointed system is the better system. It may be that that option isn't available. But ask yourself this question — is it a better system to go to elected district attorneys full time and at least reasonably adequate pay than what we have now?

The gentleman from Scarborough, Mr. Gagnon, has talked about something that he ran across in his experience about, apparently, some type of plot by some people to have a young man elected county attorney because he wouldn't be very good at it and that would favor the defense counsel.

I think the problem we have now, at least in the smaller counties, and I am speaking of the county where we have a good county attorney. He is of the other political faith, but I think he is a good man; this is Sagadahoc County. Our difficulty there is to get someone to run for this office. It is not whether it is going to be a young man or an old man, or even a competent man or one that isn't so competent, it's to get someone. I think this is the problem in many of the smaller counties of the state.

I don't think that the young fellow that comes from Augusta that is a year out of law school or two or three or four, and they say that they are not going to be a year out of law school, you are going to get really experienced people, I ask you where you are going to get them.

Now let's look at the Criminal Division in the Attorney General's office today. We have some people in that division who are quite competent. Mostly they are quite young. Many of them go on to very big things when they get out of there, but a few of them are really wet behind the ears when they start. If we had a whole system of prosecution in this state where most of your prosecutors were either just out of law school and under thirty, or they were people who had tried it in private prac-

tice and couldn't hack it and therefore needed a state job, we would have some problems. I don't say that would necessarily come about, but I say what I just said to you, it is no more off key than saying, "Well, if you have elected people you are going to get slouchers in there because the lawyers on the defense side will somehow want slouchers to get elected."

Let's go to Androscoggin County and the drug raid we just had and a successful result in drug prosecutions. That wasn't an appointed county attorney, that was an elected one, and an excellent elected county attorney. So if we end up, as my own suspicion is that we will, with no bill, with no legislation, and if one party or another thinks it has a political issue out of this, and it may, but the fact is that the people will be the ones without any improvement in the system of prosecution.

I think the Report "B" — I think it is Report "B" — which just suggests upping the salaries and making full time the elected county attorneys in the six most populous counties is not a complete answer to the problem but it is a beginning. But when you foreclose any answer, except one that has been rejected by another coordinate branch in government, it doesn't really look too much like you are seeking a solution to this thing that will pass.

I suspect if we pursue this course on Report "C" going through, that we will be debating this, those of us who are here in the 106th Legislature and the 107th. But I don't really think that is going to be very good for the people that want competent prosecution.

Remember this, you can argue that a prosecutor is better if he is "nonpolitical," appointed out of Augusta, or you can argue that he is better if he is elected by the people in the home county. But I don't think there is any argument about the fact that the full-time man is better than the part-time man, and I really don't think that there is any argument that if you go with Report "C" you are going to end up with nothing. I would hope that we could reject Report

"C" and go with the report that calls for full time elected County Attorneys, District Attorneys rather at a reasonable salary. Because I think that is the only bill that has any chance whatsoever of becoming law.

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

Mr. HEWES: Mr. Speaker, Members of the House: As I understand the remarks of the gentleman from Brunswick, Mr. McTeague, he feels that the Assistant Attorney General who is appointed will not be competent. In other words, the party appointing them apparently will not do the job.

I submit that as I read the bill, "All assistant Attorneys General are to be appointed by the Attorney General subject to the approval of the Governor." We all know that the Governor for the next two years will be of your party, who will have a say in the appointment and I am wondering, questioning his ability to appoint competent Attorneys General.

The SPEAKER: The Chair recognizes the gentlemen from Kittery, Mr. Hodgdon.

Mr. HODGDON: Mr. Speaker, Ladies and Gentlemen: I am somewhat amused by the remarks of the gentleman from Lewiston who so aptly pointed out that Report "C" contained the signature of four members of the Republican party. I would assume by the same method of deduction that Report "B" would not be acceptable to him because, there again, three members of the same party signed it. And I would submit to the gentleman from Lewiston that Report "A" does not offer much more for a chance of dialogue in a bipartisan manner because it is pretty well one-sided in that respect.

I am also somewhat amused today to find that all of a sudden we find that this is all politics.

Now, let's just for a minute review what the politics of this is. In the last of the regular session of the 105th Legislature, the Committee on State Government and many people outside of that committee spent many, many hours facing up to what I consider to be a most

serious problem and that is the prosecution in the State of Maine. We came out with what I thought then and I still think, was a good bill. It went through both Houses with a large margin, and it went to the Executive.

Now, we get into politics. It wasn't to his liking, so it was vetoed. I have sat very quietly through the regular session and this special session and have listened to threats of what would happen by the use of a veto and the gentleman from Lewiston has been very very apt to say, "wait till the next session, and we will have our way." I would say to the gentleman from Lewiston, I have never been noted for wasting my money. But I did go out the other night and buy a frying pan because I am sure that a lot of these eggs that he has been putting in one basket are going to drop and I want a frying pan to scramble some in.

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

Mr. JALBERT: Mr. Speaker, Members of the House: the gentleman from Kittery, Mr. Hodgdon, knows better than that because he knows that one of my three diets calls for me eating whites of eggs, not scrambled. He should know that because I have been eating breakfast with he and the Speaker and John Gill practically all winter long.

However, while I am on my feet, I would like to say this. Who knows, I might come back and say tomorrow, if this bill were tabled, I might go along with report "C". I merely made the honest statement at the very beginning, but I found three reports like these. It is my understanding also, that one member, I don't see the other name of a member of a committee here. I don't want to hurt my good friend from Kittery, Mr. Hodgdon's feelings. I mean I like him and he knows it.

The gentleman from Berwick, Mr. Stillings is a fine gentleman, the gentleman from Orono, a splendid young man, the gentleman from Freeport, Mr. Marsteller, another fine gentleman who would make Barry Goldwater look like a flaming liberal. But however, I mean I

am only saying here that somewhere along the line I don't know which report I would vote for. I mean, I am not particular when I say the second name on Report "A", believe you me, the second name there I don't think he ever cast too many votes for Roosevelt and Truman.

So, I don't know really what I am to do, and I am serious. We did a fine job from 9 to 2 today, and all I would like to do, because you cannot get the bill tabled, I would like to have you accept Report "C" so I could make another motion, which would make you people happy, particularly the gentleman from Pittsfield, Mr. Susi, and I know it would make the gentleman in the back row happy too.

I am for accepting Report "C", so I can make another motion.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi that the House accept Report "C" on Bill "An Act relating to Full-Time Prosecuting Attorneys," Senate Paper 775, L. D. 2055. All in favor of accepting Report "C" will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

The New Draft was read twice and, on motion of Mr. Jalbert of Lewiston, under suspension of the rules, the New Draft was read the third time, passed to be engrossed in non-concurrence and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Passed to Be Enacted

An Act Establishing a Forest Lands Taxation Policy Using a Productivity Approach (H. P. 1577) (L. D. 2034)

An Act relating to Penalty for Sale of Certain Drugs (H. P. 1582) (L. D. 2040)

An Act relating to Legislative Ethics (H. P. 1588) (L. D. 2048)

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

### Orders of the Day

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

Joint Order relative to Committee on Health and Institutional Services continue a study of the State Departments of Health and Welfare and Mental Health and Corrections (S. P. 776)

Pending passage in concurrence.

Thereupon, the Order received passage in concurrence.

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

Bill "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature and a Pay Raise for Members of the Legislature" (H. P. 1450) (L. D. 1893)

Pending the motion of Mr. Susi of Pittsfield that the House recede and concur with the Senate.

Thereupon, the House voted to recede and concur.

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

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)

Pending the adoption of House Amendment "A".

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

Mr. McTEAGUE: Mr. Speaker, the majority party and the sponsor of this bill were kind enough to allow the tabling of it and we have prepared a n o t h e r amendment which is House Amendment "B" which has been distributed before you.

I am going to ask that the House consider postponing House Amendment "A" and going along with House Amendment "B". The difference between amendment "A" and amendment "B" is one word. That word is two versus one. This has been discussed by the way, with the gentleman from Standish, Mr. Simpson. The difference is his

amendment would basically provide a Legislative Council that had an 8 to 3 majority, out of the 11 members for the Majority Party.

Amendment "B" on the other hand, would make a great change and provide a 7 to 4 majority for the Majority Party. Mr. Speaker, I am confident in the ability of this current Majority Party after the abilities that they have shown on the full-time County Attorney bill, I am certain that the Republican Party with 7 members on this Legislative Council would be able to contend with four Democrats. They might do even better if it was 8 to 3, possibly even 10 to 1. But I am confident that you are a generous majority party and you will go along with giving the minority party, at this time, four out of eleven.

In a more serious vein, I think it would probably be better if we could try to come up with something where the power in the Legislative Council more closely reflected the division in the House and the Senate. But it is a difficult thing to do, time is short, so we plagiarized a little bit from the sponsor and just changed his amendment by changing one.

I think it is realistic to say that probably in the future that we can foresee, the minority party in the Maine Legislature, whether it be Democratic or the Republican Party, will always have at least 35% of the total membership of the legislature. And actually, that is all when you provide for a 7 to 4 ratio, that is roughly 35%.

It isn't perfect but I think it is a bit closer to being representative than an 8 to 3. If my arithmetic is right, an 8 to 3 ratio is closer to between 25 to 30% and although I hear the tales of the gentleman from Lewiston, Mr. Jalbert, about the days when there were fewer than 25 Democrats in this House, I do not think those will return and I am not gleeful enough to anticipate, at least in the near future, the day when we will have 25 members of the Republican party only in this House.

So it is an attempt to basically go along with the resolve that Representative Simpson has offered. But to make it a little bit

fairer and a little bit more palatable between the two parties, and yet the majority party would still not only have a majority membership in the Legislative Council, but they also would have a majority of the House members and a majority of the Senate members. It makes it a little bit fairer.

I hope therefore, Mr. Speaker, that we would indefinitely postpone House Amendment "A" and then House Amendment "B" could be offered.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The Majority Party is a generous party. In fact, we are so generous Mr. McTeague, that we will recognize that you are the Minority Party and will probably always be so, so we are at least willing to give you 37%. You said that you figured that you would control 35% and I think 3 to 8 is about 37%, so I think my amendment would probably cover your percentage quite well.

I would have to oppose the motion of the gentleman and recommend to you that we accept House Amendment "A" which is my amendment, because I think in doing so, if you accept the one word change which Mr. McTeague led you to believe that we had changed, I think Mr. McTeague should have used the pronoun I, because I discussed it with him but I cannot agree to his one word change of one to two.

Because I think what we are saying if we were to go that route, we are saying that this body, or either party, if you want to become political in this thing, that either party is basing their fact that they would always be able to control the Senate and not control this House, and therefore, that the controlling party that would control the Senate would therefore control the Council on a 6-5 basis. Therefore, I would recommend that this House protect its own interest and that we stay with Report "B".

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: If I did state earlier that Representative Simpson had agreed to this amendment, I stated it in error. I did not intend to state it; he did not agree to it. He was kind enough to discuss it with me.

I think though that again we come up with a debate because the two parties are fairly close in this legislature. If we want to go forward it can't be a one-sided thing. There has to be a little bit give and take.

You are dealing with a setup now, and my mathematics are not as good as his, but roughly 80 to 70, which I would say is roughly a 55 to 45 split in this House. I am a generous man and easy to deal with, and I think our party is the same. We notice the generosity mentioned by Representative Simpson. I only wish he had it in his heart to withdraw his amendment and support this one. But no matter how generous the current minority party is, I think that we would be a little bit lacking in ability and there would be something daft about us if we would go along with 3 out of 11 when, in fact, we have much more strength than that in the House.

I think if we want to do these things we should try to do them in a fair way and not based on the idea of who will be in majority and minority next time, but based on the idea that there are two political parties in this state, two primary political parties in the State of Maine, and there probably will be a back yard brawl all our lives, and that these parties had better try to get along and they ought to start to try to get along by some type of reasonable ratio between the number of votes they get from the people and the number of votes they end up with in the legislature or on the council.

I feel that we have a very good precedent for this in the legislature and in the House in particular, and that the appointments made generally in regard to the Joint Standing Legislative Committees have been made I think very fairly and have reflected the

parties, the strength of the various parties in the House and Senate.

I am simply suggesting that we carry on this same spirit of fairness in giving each party roughly and approximately the same number on a committee, an important council like the legislative council would be, that they have in the House, because I fear that if we don't do this, that if we set up a deal where if you have a majority of one in the House and one in the Senate that you will end up with an 8 to 3 majority, which is almost 3 to 1, in the legislative council. I think you have got yourself in for a problem. And I think too, that when we come to final passage of this bill, it will need the votes of quite a few of us and I hope that we act in such a way, as we approach final passage, that we can get the bill through.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Although I am a Republican, I believe in fairness. I am willing to go along with the gentleman from Brunswick, Mr. McTeague. I think that the number, although it is slight, would be a little fairer.

I remember when I was here in the 102nd Legislature. The legislatures may change over the years and I think that this is a fairer amendment than the first one.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I opposed the amendment this morning and I also oppose the amendment now, and strictly on the same principle of how this committee will be chosen. I really and truly believe, and it has been said here many times, I have no objection against the present leaders because they probably won't be here in 1975 and I won't be here either. But the fact is that I think we have some very able people in this House aside from the leaders, and I think that this is where they should come from.

If they come out with an amendment that will say that you have

so many of the majority party and so many of the minority party to be appointed by their own party, I think I would go along with it. I won't go along with House Amendment "A" because I don't think it is a fair amendment, and I won't go along with House Amendment "B" either. So whichever way you want, this is a constitutional amendment and the ones that have voted against the amendment this morning, if you just hold on to what you have got, they cannot pass this legislation unless they make a big change.

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. McTeague, that House Amendment "A" 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. 68 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

Mr. McTeague of Brunswick offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-623) was read by the Clerk.

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

Mr. CARRIER: Mr. Speaker, I have a point of inquiry.

The SPEAKER: The gentleman may state his point.

Mr. CARRIER: What happens if by chance this House amendment would be defeated, what happens to the makeup of the Council here?

I make a motion, as I said before, to indefinitely postpone House Amendment "B."

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves the indefinite postponement of House Amendment "B."

The Chair will order a vote. All in favor of the indefinite postponement of House Amendment "B" will vote yes those opposed will vote no.

A vote of the House was taken. 36 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "B" was adopted.



The Resolution was passed to engrossed as amended and sent to the Senate.

Mr. Martin of Eagle Lake presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill: "AN ACT Relating to Per Diem Allowance and Expenses for Members of the State Board of

Barbers and State Board of Hairdressers." (H. P. 1580, L. D. 2037) (H. P. 1603)

The Order was received out of order by unanimous consent, read and passed, and sent up for concurrence.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.