

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

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

**Index**

**1st Special Session**

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

**Index**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**HOUSE**

Monday, March 6, 1972

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

Prayer by the Rev. Mr. David Holroyd of Gardiner.

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

The journal of the previous session was read and approved.

**Papers from the Senate**

From the Senate: The following Joint Resolution:

WHEREAS, one of life's greater moments comes in the twilight years with rest from human toil and the knowledge of a job well done; and

WHEREAS, Waldo Hilton Clark has reached that grand moment and in the charming company of his dear wife, Ruby, will enter upon a more leisurely life; and

WHEREAS, the departure of Mr. and Mrs. Clark on this date comes amid a sea of endless applause, affection and gratitude for their many years of faithful service; and

WHEREAS, Mr. Clark's work as an officer of the Senate is but a culmination of a career long dedicated to the State which began in 1925; now, therefore, be it

RESOLVED, by the Senate and House of Representatives of the 105th Maine Legislature assembled this day in special session, that we, the members extend our most sincere thanks to Mr. and Mrs. Waldo H. Clark of Jefferson for their many years of outstanding service and accomplishment; and be it further

RESOLVED, in token of our endless gratitude and lasting affection that the Assistant Secretary of the Senate, Waldo H. Clark, be presented with his desk and chair; and be it further

RESOLVED, that the Secretary to the Assistant Secretary, Mrs. Ruby T. Clark, be presented with an engrossed copy of this Joint Resolution bearing the Great Seal of the State of Maine with our warmest wishes for their future happiness. (S. P. 782)

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

**Tabled and Assigned**

From the Senate: The following Order:

ORDERED, the House concurring, that the office of the Speaker of the House, President of the Senate and Minority Leader representing each House be provided with such legislative assistance as they deem necessary for the period prior to convening of the One Hundred and Sixth Legislature within the limits of funds allocated hereunder; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$20,000 to carry out the purposes stated herein (S. P. 783)

Came from the Senate read and passed.

In the House, the Order was read.

(On motion of Mr. Porter of Lincoln, tabled pending passage in concurrence and tomorrow assigned.)

**Reports of Committee Ought Not to Pass**

Report of the Committee on State Government, acting in accordance with Joint Order (S. P. 751), reporting a Bill (S. P. 779) (L. D. 2058) under title of "An Act Implementing the Reorganization of the Department of Manpower Affairs" and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

**Orders Out of Order**

Mrs. Brown of York presented the following Joint Order and moved its passage:

WHEREAS, the Wildcats of York High School are the winners of the 1972 State Class "C" Basketball Championship; and

WHEREAS, this talented group of courageous young men have

demonstrated a style of team play and skill only possessed by champions; and

WHEREAS, the Town of York can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 105th Maine Legislature, now assembled in special session, take this opportunity to commend the Wildcats of York High School and coach, John Griffin, for winning the State Class "C" Basketball Championship for 1972 and wish them continued success in the field of sports; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Town of York and the principal and coach of York High School. (H. P. 1605)

The Joint Order was received out of order by unanimous consent, read and passed, and sent up for concurrence.

Mrs. Lincoln of Bethel presented the following Order and moved its passage:

ORDERED, that Becky Curtis of Bowdoinham be appointed to serve as Honorary Page for today.

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

#### Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought not to pass" on Bill (S. P. 777) (L. D. 2056) under title of "An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County", which was reported by a Minority of the Committee by authority of Joint Order (S. P. 746)

Report was signed by the following members:

Messrs. VIOLETTE of Aroostook  
SCHULTEN of Sagadahoc  
— of the Senate.  
Mrs. KILROY of Portland  
Messrs. HARDY of Hope  
SMITH of Waterville  
AULT of Wayne  
Mrs. BROWN of York  
Mrs. CUMMINGS of Newport  
Messrs. MacLEOD of Bar Harbor  
CURRAN of Bangor  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Mr. GRAHAM of Cumberland  
— of the Senate.  
Messrs. HERRICK of Harmony  
WHITSON of Portland  
— of the House.

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

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report and I would speak briefly to my motion.

The SPEAKER: The gentlewoman from York, Mrs. Brown moves that the House accept the Majority "Ought not to pass" Report.

The gentlewoman may proceed.

Mrs. BROWN: Mr. Speaker and Members of the House: I would call the House's attention that this is either the second or third time that this problem has been before us, and twice before we have defeated the move to raise this stream to Class "A". Now I am sure you will find that my signing the "Ought not to pass" Report in light of the idea that I usually liked to protect our waters seemed strange. Again I say this is the kind of legislation that is masquerading something that is not the truth and I don't believe that we increase our credibility if we pass laws that cannot be lived up to.

I will once again give you the facts and let you make your decision.

"The Upper Presumpscot River from the outlet of Sebago Lake to Dundee Dam is presently classified B-1. The proposed legislation would raise this reach of river to Class "A".

It is important to note that Class B-1 water is a very high grade of water and can be utilized for every purpose and use assigned to Class A waters. It is also important to recognize that you can set a standard for a waterway but it is unreasonable to do so if

there is a good chance that it is unachievable. Two EIC staff members studied and reported independently on the feasibility of upgrading the subject reach of river and both arrived at the conclusion that the waters in this reach will be of Class "A" quality a good part of the time but not at all times. They also concluded that the conditions causing the problem are not easily definable or correctable. The major problem appears to be the inability to meet the B Coli requirements of a Class "A" water. The problem apparently is coming from subsurface runoff in areas adjacent to these waterways where there are cattle grazing and residences using subsurface disposal, both of which would cause the high B coli counts found during EIC staff investigations. A door to door inspection was made of all residences along this reach of river as well as residences located on adjacent tributary streams. These investigations did not turn up any direct causes of the high coli counts which led the staff to believe that correction of the problem would be next to impossible. As a result of the above, the staff members' reports do concur that it was probably unrealistic to establish a Class "A" classification when they knew that this quality of water probably could not be maintained on a year-round basis."

That is why I propose that we accept the "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Mosher.

Mr. MOSHER: Mr. Speaker and Members of the House: I came down here some eight years ago and this was the first bill I stood up on, and it will be the last. I will finish reading just a little of this report that the gentle lady from York forgot to read:

"This high classification would almost certainly preclude the possibility of constructing and operating a waste treatment facility which would discharge into this reach of river."

And that is just the reason why we want it in there, want to raise this to A. When this first came up I went home and in the Town

of Gorham, Windham and the people of North Gorham raised some \$7,000 to fight this, to keep 50,000 gallons a day effluent out of this little body of water from which sixteen families use for domestic purposes.

It was A water then and it is today and it comes directly from Sebago Lake and it is often A as Sebago Lake is. And I see no reason why this shouldn't be A as well.

Mr. Vincent of Portland requested the yeas and nays.

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

Mrs. CUMMINGS: Mr. Speaker and Ladies and Gentlemen of the House: As Mr. Mosher said, Mrs. Brown did not read all of the report, but there is still a little bit more left below the paragraph that he finished reading. The conclusions that were to be drawn was that either you could raise the classification of the stream to A which, as Mr. Mosher said, would preclude any building of a waste treatment plant or it could be left at its present B-1 classification which would allow its use for all the general purposes that a Class A water can be used for.

However, "this classification may allow the discharge of a waste from a treatment plant, but it would have to be an extremely sophisticated treatment plant producing a quality of water equal to that of the receiving stream."

So that the waters, although none of us like to think that it is possible to use or drink or swim in waters that have been treated, it is possible and those waters are pure. I signed the Majority "Ought not to pass" Report because I think it is a mistake to change the classification of water when it isn't necessary. B-1 water is all that anybody would want, it is drinkable as well as for use in any other way that you want, and to raise it now to A when all indications point to the fact that it cannot maintain that, which would mean changing it again, I think is an unfortunate waste of time.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Mosher.

Mr. MOSHER: Mr. Speaker and Members of the House: The same arguments were put up six years ago, that you couldn't keep it at A. It was A then and it is still A, and where these people that use this water have no way of cleaning it I don't see what is going to happen if you put a discharge of more than 50,000 gallons, which is what is coming if we don't raise this to an A.

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 gentlewoman from York, Mrs. Brown that the House accept the Majority "Ought not to pass" Report. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA—Barnes, Bartlett, Binnette, Birt, Bourgoin, Brown, Call, Carter, Collins, Cummings, Curran, Curtis, T. S., Jr.; Dow, Doyle, Fecteau, Fraser, Gauthier, Hodgdon, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lebel, Lynch, MacLeod, Marsh, Martin, McKinnon, Norris, Orestis, Payson, Porter, Rocheleau, Ross, Scott, Susi, Tanguay, Wood, M. W.

NAY — Bailey, Baker, Bedard, Bernier, Berry, G. W.; Berube, Bither, Boudreau, Bragdon, Brawn, Bustin, Carey, Carrier, Churchill, Clark, Clemente, Cooney, Cote, Cottrell, Curtis, A. P.; Cyr, Dam, Donaghy, Dyar, Emery, D. F.; Emery, E. M.; Evans, Farrington, Faucher, Finemore, Gagnon, Genest, Good, Goodwin, Hall, Hancock, Haskell, Hawkens, Hayes, Henley, Immonen, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, Lund, Mahany, Manchester, Marstaller, McCormick, McTeague, Millett, Mills, Morrell, Mosher, Murchison, Murray, O'Brien, Page, Parks,

Pontbriand, Pratt, Rand, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Smith, E. H.; Stillings, Theriault, Trask, Tyndale, Vincent, Wheeler, White, Whitzell, Wight, Williams, Wood, M. E.; Woodbury.

ABSENT — Albert, Ault, Berry, P. P.; Bunker, Conley, Crosby, Drigotas, Dudley, Gill, Hardy, Herrick, Hewes, Jutras, Lizotte, Lucas, Maddox, McCloskey, McNally, Santoro, Sheltra, Smith, D. M.; Webber, Whitson.

Yes, 39; No, 88; Absent, 23.

The SPEAKER: Thirty-nine having voted in the affirmative, eighty-eight in the negative, with twenty-three being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted in concurrence, the Bill read twice and tomorrow assigned.

#### Orders

Mr. Henley of Norway presented the following Joint Order and moved its passage:

WHEREAS, Maine School Administrative District Number 17 has a specialized language activities program for rural disadvantaged students; and

WHEREAS, the program provided by the district is unique and its being used as a model by schools across the country; and

WHEREAS, is is an unstructured program focusing on oral language skills rather than on reading as designed in the fall of 1968 by Dr. Richard L. Knudson; and

WHEREAS, District 17's program has been named as one of 11 programs in the nation to receive certificates of merit by the President's National Advisory Council on Supplementary Centers and Services; and

WHEREAS, the Members of the Legislature have learned of this outstanding achievement and exceptional accomplishment; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 105th Legislature now assembled in special session take this opportunity to acknowledge and extend our congratulations to Dr. Knudson, the administrative personnel

and municipalities of School Administrative District Number 17 for their outstanding leadership in the field of education, and be it further

ORDERED, that this official expression be transmitted forthwith bearing the Great Seal and Motto of the State of Maine in token of our proud acknowledgement. (H. P. 1606)

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

On motion of Mr. Cote of Lewiston, it was

ORDERED, that Rev. LeForest Robbins of North Anson be invited to officiate as Chaplain of the House on Tuesday, March 7, 1972.

Mr. Norris of Brewer presented the following Joint Order and moved its passage:

WHEREAS, the Legislature is greatly concerned with the responsibility for care of the mentally ill at the Bangor State Hospital; and

WHEREAS, the Legislature is also concerned with the problems of administration of said hospital; and

WHEREAS, the problems involved are financially complex and of such magnitude that the institution could well be closed; and

WHEREAS, the accreditation of said hospital is of vital concern to citizens of 5 northern counties; now, therefore, be it

ORDERED, the Senate concurring, that there is created a special committee of inquiry consisting of 3 members of the Senate appointed by the President of the Senate and 4 members of the House appointed by the Speaker of the House of Representatives to survey conditions as they exist at Bangor State Hospital and to report its findings and recommendations in the form of meaningful legislation forthwith to the next regular session of the Legislature; and be it further

ORDERED, that the special committee shall serve without employ such professional and clerical assistance as they deem ne-

cessary within the limit of funds provided; and be it further

ORDERED, that the special committee shall serve without compensation but shall receive all reasonable expenses incurred in the performance of their duties; and be it further

ORDERED, that there is allocated from the Legislative Account to the special committee \$10,000 to carry out the purposes of this Order. (H. P. 1607)

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

Mr. Martin of Eagle Lake presented the following Joint Order on behalf of Mr. Webber of Belfast and moved its passage:

WHEREAS, the Lions of Belfast Area High School have, for the first time in the history of the school, qualified to play in the Eastern Maine Class "A" Basketball Championship; and

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

WHEREAS, the City of Belfast and the Towns of Morrill, Belmont, Searsmont, Swanville and Northport can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the Senate concurring, that the members of the Maine 105th Legislature now assembled in special session, take this opportunity to commend the Lions of Belfast Area High School and Coach Jim Willis for winning a berth in the Eastern Haine Class "A" Basketball Tournament for 1972 and wish them continued success; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the respective municipalities, and the principal and coach of Belfast Area High School in honor of the occasion. (H. P. 1608)

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

### Finally Passed Constitutional Amendment

Resolution Proposing an Amendment to the Constitution to Reduce

the Age of Qualification as a Member of the Maine House of Representatives to Twenty Years (H. P. 1508) (L. D. 1950)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 90 voted in favor of same and 33 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

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

An Act relating to Full-time Prosecuting Attorneys (S. P. 775) (L. D. 2055)

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to make any detailed objections because I don't think it makes any difference at this point. I just find it too bad that we have reached the point where we could not have got to the point where this could be a compromise issue, but at this point I would just as soon let it go under the hammer, and we can get it back in two days. Perhaps at that point some people would be willing to sit and listen. And I had just as soon that there be no roll call and no vote, let it go under the hammer, and perhaps at that point someone might get the impression that at some point some of us are telling you the truth.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: In the regular session a

bill very similar to the bill that we have before us now was passed. It was vetoed and at that time the Chief Executive named a bipartisan committee to make recommendations on this subject. This committee came out with a majority report supporting features of the bill that had been passed in the regular session and which are included in this bill which is now before us.

I don't pretend to be an expert in the field of law certainly, but I know a number of people who are knowledgeable in this field who believe that this bill contains the general features which should be included in a likely solution to the problem we are facing here in Maine. I also feel that people in Maine are looking to us to move for a solution to this very serious problem.

I think this bill contains the general features of what we should have and I would hope that you would support the bill.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I think that those of you who have been with me in the last three sessions know I despise hassles on partisan politics. I regret that this subject seems to have developed into just that. It is regrettable.

We have had problems for years with increasing crime rate, courts that are congested, and a lot of the finger is pointed to poor preparation of cases. Not because of incompetence particularly, but because a lot of our prosecuting attorneys are perhaps too busy, they have too much to do with their own problems and with prosecutions. Again, also, it has been stated that their present system is antiquated. We seem to have all been in agreement for years that something should be done.

Last year in a number of different methods were proposed during the session. We came down to several conclusions. One, which was inescapable, was that our prosecutors, however they were arrived at, should be full-time. And, of course, in order to accomplish anything they had to be capable



as prosecutors, and that does not mean in the parlance of some in the professional area that a good many attorneys prefer corporation work and that sort of thing. They are not, in their opinion even, cut out for court work. So it narrows the line down again.

So we got down to three possibilities, either appointment by an authority that would be in a position to know what they were appointing for quality and for experience. Also with the added incentives that if their appointment went sour the only place it could be reacted was at the appointing source. Another system was to make the present county attorney system full time, which would be quite expensive and you would have no assurance that the incumbent would be able to accomplish much more.

The third was to make the attorneys either countywise, they are already elective countywise, make it district system and to elect them by the people in the district.

We placed the bill through the session, the tag end of last session, and apparently there was not too much fight over the bill. I went through my entire list of bills yesterday and the day before, apparently we had no roll call on it. The bill was more or less generally acceptable. It must have gone pretty well under the hammer in both houses. We thought that we were going to have something.

I am quite sure that many of our friends on the other side of the party went along with it. But the Governor saw fit to veto it at last, even after a select committee had investigated and reported that it was a very sound answer to our prosecuting system.

Now we are faced, through the press, with the Governor's declaration that it is more or less political and consequently he finds it necessary to veto it, even before the bill gets to him. Now if that isn't rank party politics I don't know what is.

I suppose that we who are making the decisions in this Legislature, 185 people, the majority of them — I say the majority, a good strong majority of 185 legislators decided that that was the best way

to decide the issue of prosecution in the State of Maine. But the Chief Executive, basing it on his own personal judgment, decides that his judgment is better than the majority of 185 legislators. I disagree.

I am neither an attorney nor completely a layman, because I know something of law. I do know that some of our attorneys hesitate to talk too much at length on this because they will say, well, of course he would stand up for it, it's a lawyer's bill. That is one of the reasons why I am getting up here sticking out my neck and I am saying these things which to me are quite foreign, to get up here and get a little bit uptight about party politics.

It does seem too bad that a bill which we changed it as best we could without actually sabotaging the bill to conform with the technical objections of the Governor, on a bill that we put in the last legislature. We hashed it all over again. We produced in general the same idea of a bill, that the district attorneys would be appointed by the Attorney General who is the chief law enforcement officer of the state and for all, subject to the approval of the Governor. What else could be more reasonable?

Then all of a sudden we get the notion that practically all the Democrats, because somebody has pushed the button, have swung over. They will give you the idea that they have objected to it all the time, which I don't believe is true.

Now let's take this idea of appointment as opposed to elective and see where we stand. The Governor and some of our leaders, the opposition party, insist that the only fair way is for general election. Now I ask you, how many technical jobs that are as critical as our prosecuting system do we have in this country that are generally elective?

Do we elect our superintendent of schools? Of course we don't. They are hired by our school boards and they make plenty of study before they hire them. Do we elect our district court judges, our Supreme Court judges, our Superior Court judges? Of course

we don't. They are appointed. Why don't we elect them? Because it is a highly technical job and it is a highly technical job, this job of prosecution in our counties and districts.

I asked several people of this weekend the same thing. I saw what was in the paper. The Governor was already saying that he was going to veto it even before he got it. So I asked people about it. I asked the druggist, I asked the factory worker, I asked one of our local businessmen. I said, "Do you yourselves feel competent as a voter to elect the best possible person to be your district prosecuting attorney for this district?" They started to hem and haw. I said "Just tell me, do you feel that you are competent to elect them?" And two or three of them said "Blankety blank, no. Of course I wouldn't." Now I am not an attorney. I don't know anything about qualifications for prosecution and neither do ninety percent of us.

But, very definitely our Attorney General does know. Believe you me he has running accounts of how well prosecution is doing or how well defense is doing in all major cases across the state. He certainly would be in a position to know.

Let's take the other proposed bill, full-time county attorneys. Apparently our county attorney system is not working too well right now. There are several counties perhaps that shouldn't really afford to have the pay of a full-time system that is proposed for all counties. And the other bill that proposes full-time for six of the counties leaves some of the others out in the cold. They are right where they are now.

The electing process, true, involves something else again. It involves a district which is going to confuse the electorate even more than the new senatorial district. We set up an election which includes court districts, and then what do we have? We have, first we have a legislative district. Then we have our county officers. Then we have our senatorial district, which is a third unit. If you elect district attorneys you have got a

fourth unit for the public to learn about. They will throw up their hands in despair.

You can't tell me that in a rural state like Maine that the electorate can pick an attorney who is the best suited for the job. The person would get elected who was the best campaigner. That's who would get elected. I know the opposition is going to say, well, they have elected district attorneys in a lot of states. I know they do. They do in a lot of metropolitan states. They do in a lot of the states up and down the coast where we have a megalopolis, where there is nothing but cities. Fine.

The district attorney then is a figurehead in a good many cases. Sure, he takes on cases and shows up in certain trials to prosecute, lends his name because of its prestige, and ninety percent of his cases are handled by juniors while he is playing golf. If you don't believe that you check some of them. How many cases in New York, Maryland, New Jersey, Florida, Illinois do you find the top dog sitting in on prosecution — very seldom.

We can't afford that kind of a system here in Maine. We can't afford a \$50,000 a year district attorney with a dozen assistants to do his job for him. We still have got to have our attorneys, whether it be districts or county, a working attorney that is going to do the prosecuting himself just as far as he can.

We also want a system whereby the prosecutors can be borrowed from this and that district and controlled by a central agency. Now this original bill that they wanted on election of district prosecuting attorneys called for a chief to be either chosen or elected by the group to do their coordinating for them. It completely bypasses our chief prosecutor of the state, the Attorney General.

Now in closing at this particular time for the enactment of this bill all I can say is this. If this bill goes through to the Governor's desk, which it may, now all this time we are going to be threatened from the other side of the aisle with sure veto — so be it. I feel and a lot of us feel that it is the

only sensible prosecuting system for the State of Maine at this time and it is the only bill that I shall support and vote for, and if it all falls down and if we leave this session without prosecuting bill I can hold my head in the air because I will say that majority legislature produced a bill and the gentleman in the front office decided that he knew better and wouldn't accept it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to vote for this bill this afternoon because I am not going back home and take the rights away from the people that I represent and I hope that you people represent and letting them who they want to select for a County Attorney. We all know that the system needs some help. There were three reports that came out of committee. There was no reason why we couldn't have adopted one where I can select who I wanted for a County Attorney and not the Attorney General or the Governor of the State of Maine. I want that privilege and I want the people back in my area to have that privilege.

And there is one other thing that Mr. Henley brought up here this morning, and he is talking about the people having no confidence or they are a little confused about the operations of the Courts. You know, it would not be too bad an idea if the judges in this state ran for office, maybe we would get a few more results in these Courts, cases might not get backlogged. But I dislike the idea of us coming down here and taking the rights of the very people that we represent away by saying you cannot select your County Attorney, you cannot select your District Attorney, we are going to have somebody else do it for you.

If I wasn't in the legislature, believe me, I would run to some of you people insisting that you don't take that right away from me. I feel that if we want to represent our people, let them choose who they want to. We have always

been competent enough to get people in our county to run and I am quite sure that you have done elsewhere in the other counties.

And if you have a bad county attorney, well that is all well and fine, you can always get him removed from office, if you claim you have got one. But let us have the right to select who we want, not who the Governor wants or who Jim Erwin wants or whoever may be downstairs on the second floor. I don't want to take that privilege away from anybody.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think my average of agreeing with the gentleman from Norway, Mr. Henley, is more often yes than no. He mentioned that this bill came out of committee, there were three bills that came out of committee and actually Report "A" which was bill 2053 was the majority report of the committee with four Democrats and one Republican voting for it and the other measures were divided between the majority party on three for one bill and four for the other bill.

Now, I too am chagrined that we cannot seem to come to an agreement on a measure as important as this, but obviously the facts are that we can't. Now, a great deal of conversation and a great deal of pro and con has been issued in the press and also a great deal of pro and con has been discussed by us by the members of the committee.

Naturally, the report of the makeup of the committee was, the majority of the committee report was for it because it was made up that way. Now, let us take, as far as politics are concerned, I say that you have a far greater opportunity, if one would be so inclined to play politics, with bill 2055 than you would with bill 2053.

For instance, I happen to be Chairman of the Androscoggin County Democratic Committee and somewhere along the line the Chairman of the committee, ordinarily, we use a little bit of leverage and it would be possible that

this would be the committee or probably even the chairman, if he has enough votes to be elected chairman he should have enough votes to swing things a little bit somewhere along the line his way or else he should not have been elected chairman of the committee in the first place. And being chairman of my county committee and there being full-time prosecuting attorney it might well be that one, two or three names might be sent to the Attorney General's office for the approval of the Governor and Council.

I am not saying that it would happen but it could happen that I would choose the County Attorney, and number one, I don't want to. Number two, I think that would be very bad government. Somewhere along the line where this is done in a great many states, and many of our judiciaries are elected in a great many states, I feel that I should have, it might be possible that we would leave this into the hands of the electorate. We certainly are not getting anywhere here. Even those who are against this bill admit that it is coming back with a veto and obviously it is, the Governor stated that it was.

My thought, therefore, would be that you might consider the possibility of backing this bill up, re-considering the engrossment with the thought in mind of taking 2053 and 2055 and slapping a referendum on both bills and let the people decide. I rather have some confidence in the electorate and I think that they can read and I think that they can discuss properly and I think they can make decisions that we could accept.

Let us say that regardless of who is to blame, the facts of the matter are that we have gotten nowhere at the last session, we are getting nowhere now. So, in fact, we have failed on two different occasions. And let us see by my suggestion to you whether or not it might be possible that we might give this to the people and they would decide. If we can't arrive at a decision, then let's give it to somebody else. That is what the system that we enjoy is based upon.

I have seen us send questions to the people in referendum that were far less important than this, and that is why I would make my suggestion that possibly you might think of tabling the bill a day, getting amendments prepared for another day, and try to arrive somewhere along the line at a compromise that would, in my opinion, settle the thing once and for all. Because as we are now, we sure are not going to get anywhere, we are just going to waste a great deal of time for nothing, we are going to waste a great deal of printing, which costs money, and that is not going to get us anywhere.

I am not arguing for or against the bill, I am just saying that to arrive at some sort of compromise, I think the only thing to do now, is to back the bill up and put referendums on both Report "A" and Report C and let the people decide the matter, and for that matter I would hope that someone would table the bill so that we could get through it.

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

Mr. FARRINGTON: Mr. Speaker, may this lie on the table for one legislative day, please.

Whereupon, Mr. Susi of Pittsfield requested a vote.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington moves that L. D. 2055 be tabled until tomorrow pending passage to be enacted. Those in favor of the motion to table will vote yes; those opposed will vote no.

A vote of the House was taken. 53 having voted in the affirmative and 71 having voted in the negative, the motion to table did not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment briefly about some of the remarks made by the gentleman from Norway, Mr. Henley, in terms of this being a "political issue" and try to back us perhaps to last week.

As you recall, there were three reports that came out of the com-

mittee — three different drafts, roughly three different approaches. As I recall it, the other body had accepted Report "C". And I thought that perhaps luck would hold out and politics would not become involved. I thought perhaps that there was hope of passing a bill dealing with County Attorneys during this session. The next thing that I knew, the gentleman from Pittsfield and I were involved in a tabling debate and I am not sure what else, into accepting Report "C" rather than Report "A".

At that point it seemed to me pretty obvious that the gentleman from Pittsfield and I had parted company on whether or not we were going to pass a bill during this session. Report "A" was the one, as I recall, that was signed by Democrats plus one Republican, and the other two reports were all signed by Republicans. I am not quite sure, but I think there were some Democrats left off from any of the reports. At that point, it became a political issue and at that point we accepted Report "C" with County Attorneys, very much the same bill that had been vetoed by the Governor during the last session.

We didn't make it political, the Governor didn't make it political during this session. Responsibility for that doesn't lie in this corner, nor do I want the records to indicate that they do.

Secondly, the question of elected versus appointed. I am sure that the gentleman from Norway knows that over 40 states, as I recall rather than appointed because they feel very strongly that the law enforcement and prosecution system should not be in the hands of those that are not chosen by the people. If the Attorney General were elected, then that might be something else. But it is not the case in Maine.

Apparently, for some reason, we are not supposed to tell you that if this bill gets to the Governor's desk it might be vetoed. Our only hope in doing that was to try to tell you that if it was going to get to that desk and it did come back, that the responsibility of it getting

there and it coming back would not lie with anyone from this corner. The answer to that question had been given before.

But, you know, all of that seems rather ridiculous if what we are trying to do is to solve the problem in Maine. But apparently we are not, because the reason I say that goes back to a conversation two weeks ago with the majority floor leader of the other body in which he asked me if I would support a bill, assuming that nothing was done about County Attorneys, which of course he assumed that that was probably going to happen, that an order be drafted, as I recall it, to direct a committee to report out a bill to allocate funds to the present Attorney General's office so that they could be given to the County Attorney's system throughout the state to "patch up the problems." Two weeks ago, the gentleman from Pittsfield and I had discussed this problem, we assumed that a bill was going to be worked out. But yet, two weeks ago I was told that a compromise was not possible and that an order was waiting in the wings.

And I suspect that when this bill is finally enacted, it gets to the other body, and it goes up to the corner office, it comes back to us, this order is going to be dragged out and the very thing that I am telling you now that was told to me two weeks ago that I thought was ridiculous is going to be the procedure that someone is going to take.

Now, someone made it a political issue, but I can assure you it wasn't me and it wasn't the gentleman in the corner office, it was someone else. And I would hope that that responsibility of saying that it became a political issue will be shifted from my shoulders to someone else, because that responsibility doesn't lie here.

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

Mr. SUSI: Ladies and Gentlemen of the House: We seem to have gotten concerned here now about where the responsibility lies in this issue and I would like to take this opportunity to recount

the development as I have lived with it here in the last few days or weeks.

I think that all of us recognize a great need for our taking some action in this field and how the people of Maine are looking to us for this. Recently, there was an open caucus of the Republican Party held in this hall, in which the main topic was the bill which we now have before us. I can talk very freely on this because it wasn't just the Republican members of the legislature who were at this caucus, the caucus was well attended by members from the media, many of whom are present here now and if there is an error made here in my recounting of this, it will be due to failure of my memory.

But I think that this meeting that was held on this topic indicated a strong commitment on the part of all those present to reaching the best solution possible. And there was tremendous concern with the substance of the bill which we would be endorsing. I frankly was proud to be a part of it. These people were applying all of their experience and commitment to a problem and listening to those amongst us, attorneys who had particular knowledge in this field, and it was in such an atmosphere that we got an overwhelming support for the bill that is before us here now; not on a political basis, but on the basis of the substance of the bill.

Now, if there is any fault to be taken in such a situation, it would be on me or other members of leadership, that we didn't exert the leadership and the influence that we possibly might have—but personally I doubt that we do have it to this extent, to try to influence these people to abandon their position in support of this for something that was politically possible. Now, I didn't do this and to this extent I am guilty. But I am telling you right here and now that it doesn't appeal to me at all. I am not going to put my judgment against some sixty persons, who, after hearing this very conscientiously, judged that the best solution was the bill that is before us here now. And I never

would, after seeing the conscientiousness displayed in that caucus, ever ask them to abandon their sound decision to support the bill that is here.

Now, I just don't believe that this was political motivation to any degree. I think that our record is excellent to this point. Again, I hope you support the bill.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I am leaning about 90% toward this bill and this may come as a surprise to Mr. Henley, who apparently feels we all fall like dominoes when Governor Curtis speaks.

The only reservation I have is the possibility of swapping or horsetrading that might take place between the Governor and the Attorney General to get people selected that might not put the most qualified lawyers in as prosecutors. If this political problem could be worked out, I would be 100% for L.D. 2055.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this issue with anyone, nor am I going to make accusations against any member of the House or either of the two political parties in the House, nor do I feel that we are wasting time. I think that any time we spend in this House or in this Legislature that results in good legislation that is in the best interest of the people of the State of Maine, that time is very properly spent.

The American way of justice, the adversary system, assumes that the truth is mighty and will prevail. But for truth to win in a court battle requires a competent, well prepared prosecution as well as defense attorney.

Now we have to be realistic when we discuss our criminal justice system. Our prosecutors in Maine are politically beholden and some of them may be more interested in the outcome of the next election than the case they are

prosecuting on behalf of us. To improve our adversary system we must upgrade our prosecuting system.

The prosecutor's role is not only deeply important but broad in scope. His decision can affect the future freedom and even life of many people. He is a major link between the police and the courts. The prosecutor has substantial influence or investigations. He quite often determines the disposition of cases brought to him by police and he influences police arrest practices. He decides whether charges will be brought and what those charges will be. His actions affect the volume of cases in the courts and the number of offenders referred to the correctional system. Yet our prosecutors in Maine normally spend less than half of their time on public business.

Part-time prosecutors are open to the suspicion of conflict of interest between their private practices and their public duties. Perhaps even more significant is the fact that there are two important prerequisites for successful prosecution. The prosecutor must have a thorough knowledge of criminal law and he must possess expertise in the courtroom. Many elected county attorneys have neither. They are trained in civil law and they lack trial experience.

There are many more things which could be said in favor of this bill, but politics aside, what we need most in our prosecutorial system in Maine are coordination of effort and basic consistency. We now lack both, and this bill will give them to us. I hope you will support it.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I am not speaking here this afternoon because I am a Democrat. I am going to address myself to the contents of the bill as I see them. Again we are trying to take something away from the people. Sometimes we who sit in this House being over zealous for some type of legislation — forget that. We are here to do something

for the people and not to them.

Any time that we take away from the people certain rights which they now have, which is the rights of the ballot box, to create a dynasty here in Augusta, we are taking something away from the people.

I am not questioning whether our court system at present, our county attorneys are very good or very bad. But I say that it is a system that has been in for quite a few number of years and this system has worked, in my opinion, maybe not as fast as it should. I don't think it comes from the county attorneys themselves; I think it comes from the higher ups who would rather go golfing probably than hear a court case at times.

Now what we would create here would be county attorneys and we will be starting them at twenty or thirty or forty thousand dollars a year and we are creating a dynasty with the people who are going to pay for and will have no voice in.

Now if this is going to be a democracy, let's keep it so. Many people cry against county government, it is expensive. Yes it is, but you can't show me any other government in the world that is better than our government we have here in these United States and in this State of Maine.

Now let's keep government going for the people and let's not try to do something to the people.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I am glad we are back to discussing the merits of L. D. 2055 and not whether or not it is passed to be a political issue, because I think the people who are faced with a really serious problem don't really care whether this is political or not, they would like a solution that will work.

I would like to summarize very briefly some of the virtues and perhaps some of the faults to L. D. 2055. First of all, this document, if enacted, would permit us to pick our prosecutors on a basis of the ability to prosecute and not on

their popularity at the polls. Secondly, it would provide a system that could be unified and logical and to permit experts in certain areas of prosecution to be assigned where they are needed, whether it is Cumberland County or Aroostook County.

Thirdly, it would permit a system of incentives and promotion with salary increases reflecting the ability and the experience of the prosecutors and would encourage good prosecutors to stay in their business.

Fourthly, this bill, if enacted, would permit the ready removal of a prosecutor if his quality of work is not good enough.

Let's talk about a couple of the faults. Mr. Farrington has pointed out a problem that I think really does exist. We did work in, as we were drafting this bill for the second or third time through, a provision that the Governor would have essentially a veto over the appointment of these prosecutors. And to put it frankly, it was done in committee and by the people who were concerned with trying to get a bill through in the hope that it would provide a reason for the Governor not to veto the bill.

If it is necessary to consider this as a political question, I for one, and I think perhaps there are others who would be quite willing to pass this bill and to also pass a constitutional amendment to send to the people to provide for popular election of the Attorney General.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to just make comment that in the great main L. D. 2053 happens to be my bill as submitted to the Committee on State Government, as drafted in the 99 percent way by a former member of the Attorney General's office, as I stated last week, the Honorable John Doyle, who has seen both sides of the picture.

Now I am not going to take issue — and I might comment to the gentleman from Orono, Mr. Curtis, when he makes the statement that "I am glad we are back

on the bill and not discussing matters of politics concerning the measure." When we cease to discuss matters of politics on certain measures in this state, in this country, and I am addressing myself directly to the young man from Orono, Mr. Curtis, we will cease to be a very great state and we will cease to be the number one ranking country in the world. There are some countries when if you open your mouth in any way, shape or direction, you do it twice when you do it — the first and last time. It doesn't happen here.

And I am not taking issue with the gentleman from Pittsfield, Mr. Susi, only under one area, and I like to be conned, but I want to be conned by a pro. I consider that he is a pro, and I say that in a complimentary nature, but when he stands and talks about majority reports, of course they are going to be majority reports. Any committee that the good Speaker would name would come out as a majority report because the committee he is going to name in the first place is going to be a majority committee, of the majority. And knowing him as I know him, he has no marbles in his head, and that is the way it is. It is perfectly all right with me because I guarantee you one thing, and that is no threat, it is a promise, if ever we are the majority — I say, if ever — you can rest assured that we will no doubt hand out the same treatment. That is perfectly all right with me. We might even go a little further, for that matter, because we have waited longer.

As far as this bill is concerned, what is the use in heaven's name of having this bill go to the other branch for enactment and then come back here from the front office with a veto message and go through that harangue again? I mean, you have got yourselves a dead dodo on your hands. It is not even signed by the entire committee. And the majority report happens to be Report "A", so if you have got any thought in mind of getting a bill, why not do what I suggested before, and if you don't want to do that, why then kill the



bill right here. It is going to be killed anyway.

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

Mr. HENLEY: Mr. Speaker and Members of the House: A few moments ago the gentleman from Orono, Mr. Curtis, gave a nice discourse on the bill, and he wanted to get back to the bill and off politics. How long did it stay that way?

My very good friend, Mr. Jalbert from Lewiston, says he isn't threatening, but why waste time on a bill if the Governor is going to veto it? I say I am sick and tired of attempting legislation based on gubernatorial edict. We are an equal body in this government, and again I am sick and tired of being threatened by a veto every time a bill goes through that the gentleman in the corner office thinks beforehand he doesn't like. Now if that isn't politics, I don't know what is.

The reason that Mr. Jalbert's bill was not chosen, whether it be a majority report or otherwise, I didn't even know whose report I was speaking for when we chose this bill. I chose it because I liked it last year. I insist that I am usually consistent. If I thought it was better then I still think it is better, and I shall think it is better next year and the year thereafter.

As far as my friend John Martin down in the corner, I didn't particularly blame Mr. Martin when I said it was a political issue, and it seemed that way probably right after the ending of the main session because this same law, by the time it hit the Governor's desk last spring, was hailed, and I think the newsmen will bear me up on it, as an example of very good thinking on the part of the legislature. I could name you, except that it is improper to do so on the floor of this House, some very impressive names in the judicial process of this state that hailed that bill very highly. One of them was the dean of the law school at the University of Maine.

This isn't the only situation where we have been more or less threatened with the blackmail of a veto. There have been many occasions. There would have to be before I

would get mad at it. Just as a side light, we are threatened with another special session, according to the news, if we do not pass the reorganizational bills just as the gentleman in the corner office wants it done. I don't like that either.

I think, with possibly the chance of sticking out my chin, that it seems to show surprising immaturity for someone who has been in public office as much as the Governor. I can't understand why he would jeopardize cooperation in the two nearly equal parties of these two bodies with such rash statements to the press and releases. It antagonizes.

Another thing the press will bear me out on, in spite of the fact they don't like me, they are forever printing about the Republican controlled legislature. How much is it controlled when one single bill cannot get by as a matter of law if the Governor doesn't happen to like it? That is a fact. That has been a fact ever since I have been in this legislature because we could not get two thirds without help from the other side. People will say possibly that if a member of my party was the Governor I might be the same way. I could swear that I would not. Nobody pulled the strings for me to jump. And I think probably the floor leader down in the corner on my party will be the first to bear me out in that. Nobody in this party pulled the strings for me to jump.

Now, Lord sakes, if we have got a good bill and it was a good bill last spring, it went through almost unanimous and I could name you several prominent legal Democrats who went for it, why is it that they have reversed their findings all of a sudden? If that isn't party pressure, I don't know what is.

Let's put this bill through, and I will ask the Democrats if they like this bill to vote for it.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Orono, Mr. Curtis, mentioned the election of the Attorney General. I would

like to remind the gentleman that the Democratic members of the State Government Committee were willing to sign the bill for the appointment of District Attorneys provided that we also report out a companion bill for the popular election of the Attorney General. But the members of the majority party were not willing to compromise in committee, just as they are not willing to compromise now.

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

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: Where I did talk on this a couple of times last spring and last week, I just wanted to make one thing clear both to Mr. Martin and Mr. Jalbert who mentioned that I might have been voting on this matter because it was a Republican signing. I would like to indicate that I had made up my mind when the printed document hit the floor before the green sheet came out with who voted for what bill.

It is my opinion, and I have talked to the Governor about this for some time, that we are not going to get the best possible people in this particular position on an elective basis, simply because a lot of your good attorneys aren't going to leave a good practice for the whims of the voting poll in a local area election where they would on an appointment basis. Because if they were doing a good job, nobody was going to take them out anyway.

I understand, and the Governor indicated to me that he was going to veto this, I was hoping he would reconsider and possibly accept the majority of the legislature on this, knowing the great need of the Courts and the relief for the people that have to pay for them.

I would just hope that members of both parties would look at this in the light of what is needed and vote on that basis.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of this House: I have been listening to this debate very conscientiously

this afternoon and I resent some of the statements that have been made by my good friend, Mr. Henley, when he said the Governor was immature. I do not go along with that. I have a lot of faith in our Governor and I think he is trying to do what is right for the people in the State of Maine.

I also believe that the people should have the right to vote for whom they want to represent them as a County or District Attorney.

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

Mr. CALL: Mr. Speaker, Members of the House: I am against this bill. It is true that a County Attorney may realize that certain attempts at prosecution might cost him his job. However, let me repeat what a national political figure said years ago, to wit, "There are two reasons for legislation, the good reason and the real reason."

We have heard reference to experts as opposed to elected officials. Let me say that when the newspapers and other political organizations want some law to pass, they refer to the so-called experts. Some of these people referred to in the past would not qualify as experts in my book.

If a County Attorney should show cause that he should be removed from office, for some reason or another, the voters will take care of the matter in the next election. Not only over the years have I found the game of politics fascinating, but also extremely educational.

Let me say again that I have seen the word "experts" used too often just to sway the people in the direction of the good reason.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I am going to vote for this bill this morning in the hope that somewhere along the legislative process some kind of a compromise can get worked out. What little knowledge I have of history and government and of the human being makes me certainly support the

fathers of our Constitution when they removed our justices from the elective process. I don't think that theory has ever been challenged or anyone has ever suggested seriously that that system be changed.

It seems to me our federal district Attorneys are appointed, they seem to get along all right. Attorneys General are appointed, we are in the process of appointing a federal Attorney General now that has to be scrutinized by the party that he doesn't represent in the Senate. I hope that somehow, in our wisdom and patience, some compromise here can get worked out. We certainly are in need of help in our jurisprudence in Maine as well as in other states.

I know some of you people go to the National Legislative Conference and some of you are lawyers who go there, and I have always often wondered without having the time to study it or even review the state government papers and magazines on just what is the trend in this field at this moment and what you find in the National Legislative Conferences, it seems to me, from my limited experience, always the germ of something that is going to take place in a little while in the future, and we have to vote this morning.

I haven't had time to get all the questions I would like to have answered about many things concerning everything involved, and I say, I am going to vote to keep this bill alive in the hope that some compromise can be worked out.

The SPEAKER: The Chair recognizes the gentleman from Hodgdon. Mr. Williams.

Mr. WILLIAMS: Mr. Speaker and Members of the House: As I have been sitting here and listening to this debate, I made up my mind that a good many members and maybe the most of us don't have the slightest idea in the world of how any of these bills would really work out. But this reminds me of a story I heard a good many years ago.

Now I grew up in a lone lumber town a long while ago. And in the spring of the year, we always had an influx of Maliseet Indians. They came there in the spring and they worked in the mill and

made baskets and in the fall they picked potatoes. Among themselves, they always talked Maliseet. So the consequence was a lot of the younger people thought they knew a lot of Maliseets.

So one day one of the young fellows was sitting in the local store and in came an Indian lady with her dog. The dog laid down under the stove and the lady went in the back end of the store with the storekeeper to make a purchase. Well, the young fellow thought that would be a wonderful time to try out some of his Maliseet on the dog. So he started talking Maliseet to the dog. The dog apparently enjoyed it, he laid there and wagged his tail. But it wasn't too long before the lady come out, mad as she could be. She said, "Mister, I want you to understand that that is a good decent dog. He isn't any of the things you say he is."

Mr. Henley of Norway 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 passage to be enacted of An Act relating to Full-time Prosecuting Attorneys, Senate Paper 775, L. D. 2055. If you are in favor of this Bill being passed to be enacted you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Ault, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Churchill, Clark, Collins, Cottrell, Cummings, Curtis, T. S., Jr.; Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Marsteller, McCormick, Millett, Mor-

rell, Mosher, Murchison, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Santoro, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

**NAY** — Albert, Bailey, Bedard, Bernier, Berube, Binnette, Boudreau, Bourgoin, Call, Carey, Carrier, Carter, Clemente Conley, Cooney, Cote, Curran, Curtis, A. P.; Cyr, Dam, Donaghy, Dow, Dudley, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Jalbert, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lessard, Lucas, Lynch, Mahaney, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, Orestis, Pontbriand, Rocheleau, Slane, Theriault, Vincent, Wheeler, Whitzell.

**ABSENT**—Berry, P. P.; Bunker, Bustin, Crosby, Doyle, Drigotas, Lizotte, Maddox, McNally, O'Brien, Sheltra, Smith, D. M.; Tanguay, Webber, Whitson.

Yes, 77; No, 58; Absent, 15.

The **SPEAKER**: Seventy-seven having voted in the affirmative, fifty-eight in the negative, with fifteen being absent, the Bill is passed to be enacted, it will be signed by the Speaker and sent to the Senate.

#### **Constitutional Amendment Tabled and Assigned**

Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 1543) (L. D. 1999)

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

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

**Mr. BIRT**: Mr. Speaker, Ladies and Gentlemen of the House: I have done some additional work on this over the weekend and I have several pages of reports that I would like to have circulated on your desks. I didn't have time prior to coming in today, and I would appreciate the opportunity of having somebody table this until to-

morrow morning so that you could look over some of this material.

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 see much sense of tabling this bill, it is dead and it might as well be dead this afternoon. I would suggest that soon we vote on it, get it over with, and at this point I have reached a point where I am almost ready to take my marbles and go home. And, you know, on this one we almost can. We couldn't on the other one, it got a little bit upsetting, I guess.

But all kidding aside, this bill isn't going anywhere, I don't see the sense of wasting any more money and reproducing anything. I just hope that we vote on it today, get it over with. Whether it is tabled today, whether it is tabled tomorrow or the day after, now is as good a time as any to vote on it.

Not one single vote is going to change, either for or against it, and I think we could save everyone some time and effort if we just voted on it today at this time.

So, I would ask that it not be tabled and that we could vote on it now.

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

**Mr. GILL**: Mr. Speaker and Ladies and Gentlemen of the House: I feel today as if we have an old friend before us, and I actually feel that out of respect to this long and faithful bill that there should be a few words said.

Actually the first single member legislative district was first introduced in the 100th Legislature with bipartisan support at that time. This support consisted of some of the more forward-thinking Republicans and Democrats. However, there was not enough of the forward-thinking Republicans and Democrats to enact this. In fact, the opposition was a little concerned that there could be an increase in the forward-thinking Republicans and Democrats in the future. So at this time Governor John Reed was out looking for some sales tax votes, as he was

doing the majority of the time that he was the Governor, and the law read that a majority of the House could apportion itself into single member legislative districts. Well, then it reared in the head of the majority of the minority party, which exerted some influence on the Governor, and they changed the fraction from one half to two thirds. And because of this slight change in the fraction we have had this bill before us for every session since.

I actually think one of the surest ways to get single member legislative districts would require an awful lot of work on a bipartisan-type committee to petition for signatures, and we would do it by petition. However, no matter how bipartisan our committee is, the gentleman from Eagle Lake might suggest it was a Monks move, and I wouldn't want to do this.

But I would just like to point out what this bill would do, particularly for the people in the cities. It would let them know who they are voting for for representatives. This might come as an awful shock to them, after the number of years that they have been voting and they are not aware. As you remember, during the regular session there was a report I had done on a legislator from Waterville, and we did some work in the Bangor area. At that time most people of Waterville thought their Representative was Mr. Joly, Cy Joly. However, there was one half of one percent that thought it was the Mayor, but they weren't sure.

But actually, this bill would do nothing more than put a Republican against a Democrat in running for office. You could read where Joe Jones a Republican was running against Tom Smith a Democrat, and the people would be forced to make a choice between 22 people. Now this is not as hard as making a choice between 22 people, as they have to do in the City of Portland now. So therefore I would appreciate it if you would vote for enactment of this, and if this is enacted and signed by the Governor, I can assure you that it will never be back here again.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I just found out that apparently that is not all, I guess. I thought that the only thing the gentleman from Massachusetts, Mr. Monks, brought with him was the office-type ballot, but I guess you find out something every day and learn something every day. And that is what I like about this House, what I love about it.

I would like to ask a question of my learned colleague and friend from South Portland, Mr. Gill, to give me an analysis of what he considers a bipartisan effort and a bipartisan committee. And before he answers this question I would like to tell him this. When this bill is signed into law, the gentleman from South Portland, Mr. Gill, can go to the nearest Benoit's store and outfit himself and charge it to me.

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

Mr. GILL: Mr. Speaker and Members of the House: I would like to thank the gentleman from Lewiston, and I will assure him that when I go to Benoit's I will make sure I charge it to him.

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

Mr. SUSI: Mr. Speaker, I move this be tabled until tomorrow and request a division.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that this Resolution be tabled for one legislative day, pending final passage. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 63 having voted in the negative, the motion did prevail.

#### Orders of the Day

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: On your desks this afternoon there are two reports. One of them is the

final report of the Sesquicentennial Commission. This report was drawn up about a month ago in which it finally completed a report on all of the receipts and expenditures. I thought I would call it to your attention that the last page is really an additional page to the report that you received last winter and is a complete report of the receipts and expenditures.

Some questions have been asked of me at various times the amount of money received from the liquor bottles. If you look on page 23, you will find that the sale of liquor bottles netted \$165,146 to the Sesqui account. Now at the end of the year, after we had completed our work, we had some \$60,000, or slightly over, left over. Most of this was revenue from the sale of liquor bottles.

We decided at that time that we would try to leave something for the future, and we decided to apportion this money — 35 percent to the State Museum, 35 percent to the Archives, 20 percent to the Maine League of Historical Society for Museums and 10 percent to the Maine Historical Society.

The agreement that was made on both the State Museum and the State Archives was that this would be to fund a particular project. The State Archives is working on a series of bibliographies to bring the history of the State and some other publications up to date. Presently they have come out with the first one. The bibliography of the State has not been brought up to date since 1894, I understand.

The State Museum, the amount that was given to the State Museum in both these cases came to \$22,557, is to establish a conservation fund for historic works and historic arts, artistic works and to hire a conservator as a consultant to establish this program. We feel that these are good, lasting efforts of the Sesquicentennial year and do reflect partly some of the confidence the legislature gave to us when they did allow the funds from the sale of two liquor bottles to be credited to the Sesqui account.

The second report made is a report on the Maine committee to study and set up a planning for

a commission on the American Bicentennial of the American Revolution. This report was the background of a bill that was passed during this session. I thought you might be interested in the background of it.

The federal government is working on this. There are indications, from what information I have been told, that the legislation is pretty well through Congress to allocate to each one of the states \$45,000 a year for planning and seed money to develop programming for this event that will be coming up in four years.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have been approached and contacted by many state employees who are more than concerned over the firing last week of the Executive Director of the Maine State Employees Association. As one who has taken a direct and sincere interest in the problems in welfare of state employees for many years, I too am seriously concerned over the manner by which the MSEA director chose to fire their professional director.

Fortunately for all, the days are long gone when an employee is summarily dismissed with less than a 24-hour notice. That practice went out with bloomers. But insofar as the MSEA directors are concerned, they made their decision behind closed doors, they summoned their target in and said, "You have had it, no matter what you say." The fact is, the man had no advanced notice of his fate, no warning said and no opportunity to express his side of the story. And to top it all off, the MSEA officers, directors, told him he could have his unused vacation time as a form of notice of firing. No labor union, no state department, no private company today would even think of using earned vacation credits in the form of a firing notice.

I am not aware of the reasons for firing the Executive Director, but I am keenly aware of the manner in which it was done. As a long time friend of the state

employees, I am both amazed and shocked at the MSEA's leadership, when they call all is fair and just, simply to satisfy their personal whims. I object to this form of treatment of any employee. I certainly hope that the MSEA State Council will call an emergency meeting forthwith to allow a justified appeal to the man to reconsider the haste behind the decision of the Association's officers and directors.

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

Bill "An Act to Revise the Site Location of Development Law" (S. P. 767) (L. D. 2045) — In Senate, passed to be engrossed.

Tabled — March 3, by Mr. Smith of Dover-Foxcroft.

Pending — Adoption of House Amendment "A" (H-620)

On motion of Mr. Hardy of Hope, retabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

An Act relating to Per Diem Allowances and Expenses for Members of the State Board of Barbers and State Board of Hairdressers (H. P. 1580) (L. D. 2037) which was recalled from the Governor by Joint Order (H. P. 1603)

On motion of Mr. Martin of Eagle Lake, under suspension of the rules, the House reconsidered its action of February 29 whereby this Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of February 28 whereby it voted to recede and concur.

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

Senate Amendment "A" (S-360) was read by the Clerk.

Mr. Martin of Eagle Lake offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-625) was read by the Clerk.

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

Mr. GILL: Mr. Speaker and Members of the House: Would the gentleman from Eagle Lake be kind enough to explain just what he is doing for his barbers and for his hairdressers?

The SPEAKER: The gentleman from South Portland, Mr. Gill, 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 and Ladies and Gentlemen of the House: I am not sure where I came into this mess, but I will try to relate to you what has transpired. Unfortunately for me, I guess, someone gave me a bill at the beginning of the session, and that is where it started.

The committee heard the bill, and it redrafted it. It came out of the committee, and at some point it was decided that there ought to be some limits further imposed than what had been imposed by the committee, which everyone agreed to. Unfortunately, I guess, the way the amendment was originally drafted and submitted in Senate Amendment "A", it limited them to such an extent that the board, in effect, would become nonfunctional.

The bill became enacted and went to the Governor's desk and the Controller's office, notified the Governor that if this bill got through and was signed into law, for all practical purposes, the Board of Hairdressers and the Board of Barbers would not be able to meet, except for once or twice. And at that point I was told that the best way to handle it would be to recall it, and that is the procedure that we are taking now.

I will go one step further and say that if I had known all this at the beginning, I never would have gone through all of it. I would go back to where I first introduced it. But unfortunately this is what we are caught in now.

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

Mr. DYAR: Mr. Speaker, Members of the House: This bill pertains to out-of-state travel for the Hairdressers and Barbers Board.

Now, the legislation passed in the regular session increased their salaries to \$35 a day in the state, and through interpretation of the Attorney General's office, funds could not be used for out-of-state travel.

We are talking in terms of possibly a trip to San Francisco for a convention, wherein the beauticians would learn what other states are doing as far as their laws and regulations are concerned and possibly learn tips on curling hair. The legislation that we have before us, we limited this travel to five days within the calendar year, with \$35 a day salary, which would give them \$175.

The amendment in the other body put a restriction on it to \$600, which they could draw altogether. Now, as I understand it, the Governor and Council go over these monies that are expended when these people are out of the state, and they would have the final say on how much these people would be spending. And if they have given these people \$20 a day for their room, and \$10 a day say, for the meals for 15 or 20, when we are talking in terms of \$600 for the individual during the calendar year,

I cannot see where this amendment is going to clarify the situation. Because, actually the \$600 is more than they can completely draw within the calendar year.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman is accurate in saying, "terms of out of state travel," but the Attorney General has ruled that the way the bill in redraft is written, without the comma, that the bill is limiting to both in-state and out-of-state travel.

So that is the problem that lies here, so that is the reason why we are involved in what we are now. If there had been a comma inserted into the bill, as I understand it, what I was told by one of the Attorney General's assistants, or whatever you want to call them, we would not be caught in this mess right now.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted.

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

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

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.