

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

Thursday, March 9, 1972

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

Prayer by the Rev. Mr. Howard Washburn of Gardiner.

The journal of yesterday was read and approved.

### Orders

Mr. Wight of Presque Isle presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Subcommittee on County Government of the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill: "AN ACT Relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts," Senate Paper 712, Legislative Document 1986, introduced at the First Special Session of the 105th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular session of the Legislature. (H. P. 1615)

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

The SPEAKER: The Speaker would request the Sergeant-at-Arms to escort the gentleman from Bath, Mr. Ross to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Ross assumed the Chair as Speaker pro tem and Speaker Kennedy returned to his seat on the floor of the House.

### Third Reader

#### Tabled Later in the Day

Bill "An Act Creating the Maine Industrial Port Authority" (H. P. 1592) (L. D. 2050)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, Ladies and Gentleman of the

House: As you all know this item on the calendar, L. D. 2050, is of deep concern to me. This bill, I believe, is good and necessary legislation, but that is my opinion and not fact.

Last summer I became ever more fearful that Maine was on a collision course with oil and oil refineries. In my own mind I felt strongly that my state should not enter this new phase of its life unaware nor unarmed for that eventuality. Our coastal people have awaited a new promise of economic gain and at the same time assurance that progress would not be bought at the expense of their environment.

With these goals I have tried to fashion legislation that would insure progress with control, gains without destruction and jobs without disaster. All of this I have tried to do in the bill that now awaits your decision.

In all honesty I cannot claim that this measure is mine alone. Many good people have aided in its construction and development. Far more work has been put into this measure than this small town druggist could have done alone. Support, encouragement and assistance have enabled me to bring this bill to this calendar today. Outstanding environmental leaders from all over this state have helped and advised me in this matter. Many who were strangers to me and a legion of friends have encouraged and supported me in this, a task that now goes back these many months.

I had not intended to introduce this bill at this special session but events overtook us in October when Metropolitan Oil Company served notice on the Legislative Research Committee that it intended to file an application to the Environmental Improvement Commission early this spring.

I felt then, back in October, that to delay this concept would be to run the risk of having oil in Maine before Maine was ready, willing or able to cope with it.

As the special session neared many people began to share my concern for urgency. I felt that I had to introduce this bill at this session.

One of the most gratifying things about our efforts has been, and will always be, those who arose at once and supported this measure at its public hearing and since that time. Respected and responsible support came from many quarters, indeed their interest and concern for this bill has revealed to me that a unique and valuable constituency for Maine exists whenever courage and decisions are needed.

Those who can be numbered as being in support of L. D. 2050 are: The Maine Council AFL & CIO, Department of Economic Development, Maine State Chamber of Commerce, the Maine Audubon Society, numerous Maine bankers, Penobscot Pilots Association, the leading newspapers Maine Times, Kennebec Journal, and Portland Sunday Telegram, the Maine Municipal Association, interested citizens, Coastal Resources Action Committee and also the support of the Governor's office.

A great deal of confusion and misunderstanding has accompanied the progress of this legislation. For instance, Citizens Who Care which was formed to oppose the location of the King Resources Oil Terminal in Casco Bay is reported to be "unalterably opposed" to the bill, while at the same time the Portland delegation has been instructed by their City Council to oppose the bill unless it is amended to specifically exempt the King Terminal. Further, the Maine Central Railroad, which apparently assumes that Metropolitan Oil has, or in the imminent future, will receive approval from the E.I.C. to locate in Eastport, has mounted a skillful and successful opposition to the bill in the other body.

I am a political realist and have come to the conclusion that this bill, today, doesn't have the two-thirds vote necessary for passage. I realize the concept of this legislation has not been tried anywhere else in the country, that it embodies many new ideas and approaches, but as it has progressed and been refined I have become more convinced that it is basically sound and is at least the best approach I have been able to devise

to accomplish the purposes I set out for it.

I cannot stand here and say today that this bill in its present form is perfect, but it is the only vehicle to my knowledge which has been devised to come to grips with what I consider a reality in this state today. I would be negligent this morning if I did not mention that many of our good laws, now statutes of the state, did not obtain passage when first introduced.

At least one application to build an oil refinery will be filed within a month and while I cannot speculate on its form or content, nor its reception by the E.I.C., or how the Court will receive it, this application is a fact of life which simply will not go away by our wishing it to do so.

I have done everything in my power to come to grips with the pressing problem as I see it. Imperfect as it may be, this bill is the best method I have been able to devise, and I don't want it ever said that when I was in a position of responsibility to the people who elected me and as Speaker of this House, I didn't try. But the decision on a matter of this magnitude does not rest on one man. It bears on each and every member of this legislature, and sadly I have concluded at this hour that there are simply not enough votes in both branches of the legislature to gain passage of this bill.

In this special session the hours are near an end. Our time is nearly up.

I do not intend to delay your progress nor the work of this Legislature because of my personal beliefs or my convictions. As I said, I hope that I am a realist if little else. There is no course open to me but to admit that this bill does not have enough support today for final passage.

But before we take action I would add to the record of this House that without this bill our state must now proceed unarmed towards a threatening and uncertain future.

I am indeed grateful for the courtesy and honesty of this House of Representatives. I have always been grateful to this house and all its members. I cannot forget and

indeed will always treasure the friendships, the courtesies and support I have had here in my fourteen years as a member of this Legislature.

Today as I make these last remarks on this bill I believe in, I must express once again my heartfelt thanks and appreciation for your support and encouragement. Had even a small measure of similar feeling been in evidence in the other body today I would not have to do what I must now so reluctantly move. The preservation of the State of Maine will be the object of my prayers in the months that lie ahead.

And now, Mr. Speaker, and ladies and gentlemen of the House, I move that this bill be indefinitely postponed.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Kennedy of Milbridge to indefinitely postpone and later today assigned.

### Third Reader Tabled Later in the Day

Bill "An Act to Provide Funds to Assist County Attorneys in the Administration of the Court System" (H. P. 1613) (L. D. 2062)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and later today assigned.)

### Passed to Be Enacted

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

An Act relating to Guarantees by the Maine Industrial Building Authority (S. P. 706) (L. D. 1887)

An Act to Revise the Maine Land Use Regulation Commission Law (S. P. 709) (L. D. 1890)

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.

An Act Implementing the Reorganization of the Department of Manpower Affairs (S. P. 779) (L. D. 2058)

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

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: I move that L. D. 2058 be indefinitely postponed.

The SPEAKER pro tem: The gentlewoman from Bethel, Mrs. Lincoln, moves that this Bill be indefinitely postponed.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: We debated this bill yesterday afternoon and having confidence in the good memory of all the Members of the House I shall not go over it again with them. I notice Mrs. Lincoln extended us that courtesy and I would hope that the proponents of the bill would do the same.

Mr. Speaker, I ask that when the vote is taken it be taken by a roll call, and I would ask you to vote as you voted yesterday and to continue with government reorganization in this important field.

The SPEAKER pro tem: The gentleman from Brunswick, Mr. McTeague has requested that the vote be taken by roll call. In order for the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those 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 pro tem: The pending question is on the motion of the gentlewoman from Bethel, Mrs. Lincoln that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

### ROLL CALL

YEA—Ault, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Churchill, Clark, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Finemore,

Gagnon, Gill, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Kelleher, Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Martin, McCormick, Millett, Mosher, Murchison, Page, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Smith, E. H.; Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY—Albert, Bedard, Berube, Binnette, Boudreau, Bourgoin, Bustin, Carter, Clemente, Collins, Conley, Cooney, Cote, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Good, Goodwin, Hancock, Hodgdon, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lebel, Lizotte, Lynch, Mahany, Marsh, Marsteller, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, Norris, Orestis, Pontbriand, Santoro, Sheltra, Silverman, Slane, Stillings, Susi, Tanguay, Theriault, Vincent, Wheeler, Whitson, Whitzell.

ABSENT—Bailey, Bernier, Berry, P. P.; Carrier, Crosby, Drigotas, Emery, E. M.; Kelley, K. F.; Lessard, Lucas, Lund, Manchester, McNally, O'Brien, Ross, Smith, D. M.; Webber, Wood, M. E.

Yes, 69; No, 63; Absent 18.

The SPEAKER pro tem: Sixty-nine having voted in the affirmative, sixty-three in the negative, with eighteen being absent, the motion to indefinitely postpone does prevail.

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

Mr. MARTIN: Mr. Speaker, I now move that we reconsider our action whereby this bill failed of final passage and I would speak to my motion.

The SPEAKER pro tem: The gentleman from Eagle Lake, Mr. Martin moves that the House reconsider its action whereby this bill failed of final passage, and the gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I really don't see why at this point we ought to kill this bill. I think it is one of the better

reorganization bills. Everyone assumed that just because one individual in state government was opposed to final reorganization of this department it would not mean the death of a reorganization bill.

I somewhat resent the fact that one individual can come in here and tell me or tell anyone else that I have to vote for or against a reorganization bill. I would hope that members of the House would stand fast to their action that they took yesterday and that they agree to support the bill as it came out of committee. As I recall it yesterday, this was a unanimous "ought to pass" report from the State Government Committee and I would hope that we would not reverse ourselves today.

I am aware of course that a great deal of work was done in lobbying this bill between yesterday and this morning. Unfortunately for me and for others who might have supported the bill, there was no attempt made to try to twist anyone's arm to get the bill passed. I guess every now and then in reorganization or in any other bill it is the one who does the most lobbying that often gets the bill that he wants or defeats the bill that he does not want.

I would seriously and hopefully wish, hope and pray that you do not defeat this bill because one individual in state government does not want this department to reorganize.

I hope that the votes have not changed that drastically from yesterday so I would ask you to vote for reconsideration and when the vote is taken I would ask that it be taken by the yeas and nays.

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

Mrs. LINCOLN: Mr. Speaker and Ladies and Gentlemen of the House: I don't know who the party that just spoke means by one individual in the state government. I did this on my own. Nobody told me to do it. It is because I didn't like the bill.

I was on the Labor Committee. I know what is going on in both departments, and if he is referring to the Commissioner of Labor

and Industry she will be retired very shortly, it doesn't mean that much to her. And I just wanted you people to know that I did it on my own. Some people around here do things on their own. We don't have to be told what to do. And I certainly hope that you will vote against reconsideration.

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

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would ask you this morning to support the gentleman from Eagle Lake's motion to reconsider this bill. Now I know Mrs. Lincoln says she acted on her own. We did hear from Marion Martin, the Commissioner of Labor and Industry, and I couldn't help being struck yesterday from the remarks of Mrs. Lincoln by some of the similarities between her point of view, even some of her terminology, and that used by Mrs. Martin.

Now I haven't had a chance to go through yesterday's horse-blanket and go back down and listen to the tape from last fall, but I know that phrases like "putting the cart before the horse" were things that just happened to be used by both of these ladies. Now they say that the mark of any good bureaucrat is the ability to scuttle any legislation that he or she doesn't like, and I think that's exactly what is happening here today.

This is a good bill. It combines the Employment Security Commission, the Department of Labor and Industry, the Maine Manpower Advisory Committee, the Co-operative Area Manpower Planning System, and the Manpower Development Training Program, several areas that should go together.

Now the only harm in this bill is what one bureaucrat feels is the harm; her authority is threatened. And I ask you to vote against that particular attitude on this subject, vote for a good reorganization bill. As Mr. Martin has said, this was a unanimous report. We worked long and hard on this bill just as we have worked on the other bills;

and I would ask you to support the motion to reconsider so we can pass this bill.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that there is a lot being said about Marion Martin in this place and I am telling you that I am voting against this bill because of one particular individual, and it is not Marion Martin. It is my understanding that the gentleman who may run this department is a gentleman who comes from Waterville, a Mr. Schoenthaler. The paper this morning points out that the jobless fund is going to have to be increased, some responsibility is fixed on the employers of the state. And it seems that Mr. Schoenthaler himself doesn't take any responsibility for what is happening.

The City of Waterville happens to own a golf course. That used to belong to Mr. Schoenthaler. Mr. Schoenthaler couldn't seem to take care of that particular assignment and the City had to buy it through the bankruptcy courts, and I am not too crazy about putting somebody in charge of a department that has gone through this particular experience.

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

Mrs. LINCOLN: Mr. Speaker and Members of the House: In answer to Representative Cooney, yes I did go to see Miss Martin and I don't deny it, because I was upset and I went to see Commissioner Martin. About the "cart before the horse," I didn't see that in any of her mail, and I did take part of the letter, which I don't deny, about the Commissioners from Canada and Washington, that paragraph I did take, and I don't deny it. I wouldn't deny it. I went to the hearing; I didn't like what I heard at the hearing. I still hope that we indefinitely postpone the bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I wasn't approached by anybody, before I start elaborating on how I feel about this measure.

First of all, I went yesterday, I did go along with the bill, I hadn't read the bill. This morning I have read the bill and I feel as though I know more about it and it will take some time to look into it. I feel very strongly that I will not vote like I did yesterday, no matter what is said. And the people here that got up to try to pass this or sell this legislation to you, in my opinion they have talked around in circles but haven't talked about the true bill itself and what it does.

I am satisfied as it exists today and I am not looking for a change for the sake of a change. And I can see where we can get into implications that we don't have now. So I ask you to vote the same as you did today and not the same as you did yesterday, and if you read the bill and study it carefully and really consider it in your own mind, without taking any influence from anybody, I am sure you will vote the same as I did this morning, because there are an awful lot of people in this House who voted for the bill yesterday that hadn't read it, but today I have read the bill and I have a lot different thoughts than I did yesterday. And so today I will not vote for reconsideration and I hope the House doesn't.

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

Mr. MARTIN: Ladies and Gentlemen of the House: Unfortunately every now and then, I guess, we somewhat get bogged down in personalities, and I suspect that this may very well be one of those bills. I don't think that any bill, whether it is this one or any other bill that might come before us, ought to be based on whether or not someone is good or someone is bad, whether some individual ought to be for it or someone ought to be against it, or whether they happen to come from Waterville or from Eagle Lake, I don't really think it makes much difference.

These people come and go. The question we are trying to determine here is whether or not, in the long run, we are going to do something that is going to produce something that is going to work better for the citizens of the State. I believe that this bill will.

I do not think that we necessarily have to discuss the question of the unemployment fund, because the law provides for how that is going to be administered. Whether it is me or anyone else that happens to head that department, it isn't going to make one difference as to what the final outcome of the unemployment level of the fund is going to be. The law specifically says that when it reaches a certain limit, then certain things are going to transpire. And so I don't see why that should make one single difference.

I certainly hope that you would vote to reconsider this morning, so that we could give this bill its final passage.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: No one has twisted my arm and no one has asked me to speak on this bill. I have been against some of the reorganization bills, but I have voted for some of them where I had my doubts because I feel that maybe there is a chance that in the next session we could improve a little bit and it might save the people some money.

I do want to go along with the Minority Leader, the leader of my party, in his views that it is too bad that personalities have been brought into this. It is too bad that the heads of departments have to be criticized on the floor of the House when you are debating a bill. It is my belief the bill should be debated on the merits of the bill and not on the individuals concerned.

Now as far as the good gentleman from Waterville, Mr. Carey, stating about the bankruptcy, I have known many cases where businesses will hire a man that has gone through bankruptcy to manage their business because they feel that that man has learned



all the pitfalls of being in business himself and he can make a better manager. So I don't see where any bankruptcy proceedings or anything should enter into this or what a man does in his private life should be any concern.

Because I think on the financial disclosure bill it was quite evident that many members in the House didn't want to disclose their personal business dealings or their financial resources or anything of that nature, so I think today that this is not the question here, of what a man has done in his private life or whether he has succeeded or not succeeded. Because I think we could go across the whole House here and we could label anybody as a success or a failure by our own standards and not the standards of society.

Now I do hope that we will go along with the motion to reconsider because I think maybe this is an area where some work could be done maybe in another session. I don't say any of these reorganization bills are perfect. I don't think any reorganization bill could be perfect because there is a lot of work involved, and I don't think we have actually some of the time that has been necessary on some of these bills. But I think it is a good start, and I can support this bill. I would hope that we could go along with the motion of the gentleman from Eagle Lake to reconsider so that we can get this bill on its way.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have heard from one member of the Governmental Reorganization Committee on this measure, but I didn't hear anything concerning the measure itself.

I think possibly four or five years ago I made a speech on the floor of the House, a prepared speech. I read it, but I did a very poor job of it because I can't read very well. But it was my views concerning the newly appointed Chancellor of the University of Maine. However, I had called him the night before to read the measure to him.

I have been here since 1945 and I don't think that I have brought in too many personalities from outside, and I am not particularly impressed by tapes at hearings or remarks made here or attacks on personalities.

I would, however, in view of the fact that this is a measure that was passed unanimously by the Governmental Reorganizational Committee. I would, however, like to hear from some members of the Majority Party who signed this report "ought to pass," unanimously. That is who I want to hear from, and I don't want to hear about personalities. I want to hear somebody talk about the bill itself.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I am not a member of the Reorganization Committee, but I would like to share with you what my thoughts were on this topic.

In a couple of years now we have expended a lot of time; we have applied some very excellent personnel; namely, the Reorganization Committee and the State Government Committee to the questions of reorganization. Now it wasn't the personalities committee, it was the Reorganization Committee. And when I heard this morning that this one was under attack, what we are doing is attacking the two-years' effort by a lot of devoted people, very competent people in the field that they were working in, who came out with a unanimous report on this particular reorganization bill.

I went to Senator Johnson, who is Chairman of both the Reorganization Committee and the State Government Committee and asked him, "What about this bill? He says, "It is good. We did a good job on this one, and this bill should be defended."

Now anyone who denies that personalities are involved in this issue here this morning I think is whistling "Dixie." I think there are people involved and I think it has been brought out here this morning that one of them is re-

tiring very soon, the other one under the terms of the bill would be gone in a couple of years, or his term would expire in a couple of years. And for us to defeat not a personality bill but a reorganization bill, something for the people of the State of Maine, on the basis of such transient considerations as the present occupants of these seats, I think is a sad mistake. And I hope you support the reconsideration and we pass this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. McCloskey.

Mr. McCLOSKEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to talk to you this morning in favor of reconsideration and in favor of passing this bill. I am not so sure how many of you know the problem we have in the manpower area in this state, but it is a large one.

Some people here have spoken about the lack of funds in the unemployment insurance fund. The reason for that is is that there have been 17,000 people who have exhausted their unemployment benefits this year alone in the State of Maine. What I am saying is, that we have a manpower problem here, we have an employment problem here in this state, and we had better start thinking about how we are going to solve that problem because that problem is going to be with us for a long time, no matter what happens at the national level. The unemployment statistics are the worst in this state since 1961. They have not dropped below 28,000 for any month of this year.

I offered a bill to the Reference of Bills Committee to try to deal with this problem that would have hired as many as 2,000 people in this state. Now you might not think this is very many, but you are talking about heads of families, you are not talking about simply women whose husbands work who are looking for extra work, you are talking about an unemployment problem in this state that is reaching proportions of the Depression.

In Penobscot County the unemployment rate for the last nine months is 7 percent. In Washington County it is 12.3 percent. In Hancock County it is 8.3, and it has

been up as high as 12.9 percent. You are talking about 30,000 people in the State of Maine, and I think that we had better think about the manpower policies that this state is going to follow in the next ten years, because the type of industry that we have in this state, the shoe industry, the textile industry, the tanning industry, the leather industry, these industries are going to have problems in unemployment in the next few years and we had better think about reorganizing our state government to handle this problem. And I think that the passage of this bill will help this matter.

So I would ask you to support reconsideration, to support the people of Maine who are standing in the unemployment lines each week, and if you go out to the unemployment offices in this state and see those people standing in line, you would know that we have a problem in this state, and I think we had better start thinking about solving that problem. If this bill will do anything in any manner, shape or form to help this problem, and I believe it will, we had better start thinking about passing this bill. So I hope you would vote to reconsider your action and to pass this bill and let the Governor sign it to help the people of Maine.

Mrs. Lincoln of Bethel was granted permission to speak a third time.

Mrs. LINCOLN: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with what Representative McCloskey just said. Reorganizing will not help this manpower problem at all. The manpower problem right now is in the Employment Security Commission, plus getting industry into the state, which reorganization of this bill will not help.

The Labor Industry and your Employment Security Commission now can do many things, and as I say, I still don't see that by reorganizing these two would help this.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I stood before you a few minutes ago and

I tried to talk on the merits of the bill and as I read the bill. Now it seems that others that have spoken want to talk around in circles, so I will endeavor to talk around in circles for a few minutes.

Now I can tell you, in my area I am very well acquainted. I know nearly everybody I represent, unless they moved in last night, and I can tell you what is wrong. This bill doesn't correct any wrongs and injustices in my area and it won't help the labor situation one bit. It was a bill the last legislature passed that made a lot of people on the unemployment rolls in my area, and I will try to enlighten you on what methods we did it.

In my area we had a lot of small industry. We went over the rate on unemployment so we have had to apply for one employee, and that put a lot of people on the unemployment list because they laid them off and now they are drawing unemployment or they are unemployed or on the welfare roll.

I have another employee in my district. We raised his rate for unemployment. In other words, he had a saving by never laying off his men. He had a good rating with this. Well we raised his rate so there wasn't enough savings, so this winter he laid his men off. There was no saving for him because we raised his rate to such a manner that it was more advantageous for him to lay his crew off than it was to keep them hanging around doing very little this winter. So I expect there are other cases. I am well aware of this one. I was talking to them no later than this weekend.

So we are the ones, in a lot of cases, by talking in circles and doing things about other measures that have nothing in relation to the subject we are talking about. It is the bills that we have done, some members of this House. I am proud to say that I didn't, because I knew what it was going to do in my area. But the legislation that we passed last winter in this House, in my area it put several people on the welfare rolls, also put several people on the unemployment rolls. And I can name the industries and I can name the individuals in my area, but that

is not necessary. That only bores you with time.

So if this House wants to continue talking all morning around in circles, I will be here and do my share of the talking like I always do. But I wanted you people to talk and tell us about the bill, and nobody has done that.

I know enough about the bill so that I hope you don't vote for reconsideration. And during this debate, if you have had the time while you're sitting here, some of you listening and some not, but those that are not have had time to read the bill and really consider what it does. It doesn't do anything. It doesn't correct any injustices and no improvement whatsoever, in my opinion. And as I told you before, I am not for a change for the sake of a change that creates or helps nothing. And I hope you will not vote for reconsideration. And if you want to continue talking around in circles, I have got a lot more talk I would like to make too.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I share the thinking of the gentleman from Enfield, Mr. Dudley. I voted for the bill. This bill, as was stated very often, has had a unanimous report of the committee. So on that basis I would like to ask respectfully if I could hear from the House Chairman of the Committee, the gentleman from Lubec, Mr. Donaghy, who has voted for this bill in committee the gentleman from Freeport, Mr. Marstaller, the gentleman from Berwick, Mr. Stillings, who is gone, the gentleman from Orono, Mr. Curtis. I would like to know if I can hear from them, speaking on this bill, on the merits of this bill, why they signed the report of the committee and why they are for this bill.

I am up in the Appropriations room every day from the time this ends until the time it is over. I don't know about this bill. But the last four gentlemen that I named, I have heard from one of the members of the committee, that was enough. As a matter of fact,

I heard from him twice, I think, I hope. But I want to hear from the other four.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Lewiston is a detective. I have tried to get on my feet a couple of times and I wasn't quite as fast as some of the others.

I will choose to answer why I signed it out "ought to pass," it may not be a particularly good reason. But we weren't ready to pass this bill out like some of the others, and we were ordered to put it out. And I had also promised this House back in the regular session that you would have ample opportunity to decide these bills on your own through debate on the floor of this House. And you are seeing an example of this now.

There were many ramifications on this. This was not all smooth sailing. You went through yesterday, I believe, and several days of debate before that regarding the three-man Liquor Commission and what has been done and what hasn't been done. We have a very similar situation with the three-man unemployment deal. You are supposed to have a representative of the public, who is the chairman, you have a representative of labor and you have a representative of industry or your employer, whichever way you want to put it.

We had evidence given to us, to the committee, that this is not the way this commission has been running for some time. There is definite evidence that the employer representative has been bypassed. This is not a good way to run a railroad.

Over in the Department of Labor and Industry, here again we found some problems, many reports that were confidential somewhere along the line seemed to be getting into hands that used them for different purposes and other than that which they were intended.

Now as far as I am concerned—I am speaking for myself, I can't speak for the committee—but this is my attitude, that this was not necessarily a good bill, but you

folks wanted to have it reported out, so we reported it out. And rather than be negative all the time, I signed it out "ought to pass" and you can go from there. You are getting the opportunity now to go from there.

I hope that satisfies the gentleman from Lewiston and actually I am more interested in the rest of the body.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I looked over the bill here this morning and I am not concerned who is going to be head of the department, I think it is Mr., whatever—I can't even pronounce his name. I don't even know him personally, so I have nothing against him on this.

But one thing in this bill that does bother me a little bit, ladies and gentlemen, if you will look at Document 2058, on page three, it says "The Commissioner of Manpower Affairs shall appoint a state advisory council consisting of not more than 9 members." And then if you go down to Section 10, Title 6, it says, "The Commissioner of Manpower Affairs, with the advice and aid of such advisory council as he may appoint, may take all appropriate steps to reduce and prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training." and etcetera.

This is the only thing that bothers me in this particular document, it sets up a very powerful position that this person, or whoever the person may be in, that his council is in an advisory capacity. I feel that it should be a policy making council, not an advisory capacity. I am kind of surprised at the State Government Committee when they passed out such a document as this and such an important and powerful position that this is going to make, and to deal with the problems of unemployment and so on, that the council should be a policy making group as far as I am concerned and not an advisory one. Because we know what an advisory council is. The man can take the advice if he wishes and if he

doesn't wish to take the council, then no one has any recourse to go to.

So I oppose the bill for this reason.

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

Mr. DYAR: Mr. Speaker and Members of the House: The gentleman from Bangor, Mr. McCloskey brought up the point of this reorganized department being able to find more jobs here in the state for the unemployed people. It seems rather ridiculous when we hear that agencies of the state have brought in 128 new industries in the past few years. Our junior senator has been crisscrossing this country yelling about our shoe industry being lost here in the state. Our Congressional delegation has been using this same song and dance. Our shoe industry, our old established firms have gone out of this country, set up plants in Puerto Rico and all over the world and become importers rather than producers. Our manufacturers and woodland lots have gone into Canada with the raw materials here from Maine and having products made in Canada and brought back in as imports out of Canada.

It seems to me that if this is going to be a function of this new department that we can eliminate several other departments here in state government.

I have heard the Commissioner of Labor this morning referred to as a bureaucrat. In my mind she is one of the true administrators that we have here in this state. Now if a bureaucrat is a person who can run a business with 25 employees versus another department with over 500 employees, I am just concerned over the term bureaucrat.

Now it has been my experience if you call the Department of Labor on a question you usually get the answer right then and there. You call this other department, you usually talk to four or five people, they go to the computer, the computer gives you an answer. Several days later you get an answer back that the computer was wrong, they fed the wrong information and would like to make a correction. It seems to me that if we

are going to computerize labor now, and along with unemployment insurance and all these other little agencies, that possibly we should be looking for an administrator and leave the emphasis off the bureaucrats.

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

Mr. LEE: Mr. Speaker and Ladies and Gentlemen of the House: It seems to me that this particular bill creates a dynasty here in Augusta. This is not particularly likeable to me. And I think in answer to some of the questions here, one in particular of Mr. McCloskey from Bangor, that instead of reorganizing at this time, probably the best thing we could do would be stay with our present system and probably solve our problems instead of trying something else and jumping off in all four directions all at once. I would be in favor of not reconsidering this item.

The SPEAKER pro tem: The yeas and nays have been requested. For the Chair to order a roll call it must have the affirmative vote of one fifth of those 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 pro tem: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that we reconsider our action whereby we indefinitely postponed this bill. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bedard, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Carey, Carrier, Carter, Clemente, Collins, Conley, Cooney, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Gill, Goodwin, Hancock, Herrick, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester,

Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Morrell, Murray, Norris, O'Brien, Orestis, Pontbriand, Santoro, Shetra, Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Vincent, Wheeler, Whitson, Whitzell, The Speaker.

**NAY** — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Clark, Cote, Cottrell, Cummings, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hewes, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, McCormick, Millett, Mosher, Murchison, Page, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury.

**ABSENT** — Bernier, Crosby, Drigotas, Emery, E. M.; Lessard, McNally, Mills, Ross, Smith, D. M.; Webber, Wood, M. E.

Yes, 71; No, 69; Absent 11.

The **SPEAKER** pro tem: Seventy-one having voted in the affirmative and sixty-nine in the negative, with eleven being absent, the motion to reconsider does prevail.

The motion before the House now is the previous motion of indefinite postponement.

Mr. Jalbert of Lewiston requested a roll call vote.

The **SPEAKER**: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one-fifth of the members present and voting. All those 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** pro tem: The pending question before the House is on the motion of the gentleman from Bethel, Mrs. Lincoln, that an Act Implementing the Reorganization of the Department of

Manpower Affairs, Senate Paper 779, L. D. 2058, be indefinitely postponed.

### ROLL CALL

**YEA** — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Churchill, Clark, Cote, Curtis, A. P.; Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, McCormick, Millett, Mosher, Murchison, Page, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury.

**NAY** — Albert, Bedard, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Dow, Doyle, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Good, Goodwin, Hancock, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Marsteller, Martin, McCloskey, McKinnon, McTeague, Morrell, Murray, Norris, O'Brien, Orestis, Pontbriand, Santoro, Shetra, Silverman, Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Vincent, Wheeler, Whitson, Whitzell.

**ABSENT** — Bernier, Crosby, Drigotas, Emery, E. M.; Lessard, McNally, Mills, Ross, Smith, D. M.; Webber, Wood, M. E.

Yes, 66; No, 73; Absent, 11.

The **SPEAKER** pro tem: Sixty-six having voted in the affirmative and seventy-three in the negative, with eleven being absent, the motion for indefinite postponement does not prevail.

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

Mr. **JALBERT**: Mr. Speaker, I move that this bill be passed to be enacted and when the vote is taken I move that it be taken by the yeas and nays.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those who desire 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 pro tem: The pending question is on passage to be enacted of this Bill. All in favor of its enactment will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bedard, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carter, Clemente, Collins, Conley, Cooney, Cottrell, Cummings, Curran, Curtis, T. S., Jr.; Cyr, Dam, Donaghy, Dow, Doyle, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Good, Goodwin, Hancock, Hodgdon, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Marstaller, Martin, McCloskey, McKinnon, McTeague, Morrell, Murray, Norris, O'Brien, Orestis, Pontbriand, Santoro, Sheltra, Silverman, Slane, Smith, E. H.; Stillings, Susi, Tanguay, Theriault, Vincent, Wheeler, Whitson, Whitzell.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Carrier, Churchill, Clark, Cote, Curtis, A. P.; Dudley, Dyar, Emery, D. F.; Evans, Fine-more, Gagnon, Gill, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hewes, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, McCormick, Millett, Mosher, Murchison, Page, Parks, Payson, Porter, Pratt, Rand, Rocheleau, Rollins, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury.

ABSENT — Bernier, Crosby, Drigotas, Emery, E. M.; Lessard, McNally, Mills, Ross, Smith, D. M.; Webber, Wood, M. E.

Yes, 72; No, 67; Absent, 11.

The SPEAKER pro tem: Seventy-two having voted in the affirmative and sixty-seven in the negative, the motion did prevail.

The Bill was signed by the Speaker and sent to the Senate.

At this point, Speaker Kennedy returned to the rostrum.

SPEAKER KENNEDY: The Chair thanks the gentleman.

Thereupon, the Sergeant-at-Arms escorted Mr. Ross to his seat on the Floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

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

Mr. NORRIS: Mr. Speaker, I move we reconsider our action whereby this bill was passed to be enacted and I hope you all vote against me.

The SPEAKER: The gentleman from Brewer, Mr. Norris, now moves the House reconsider its action whereby this Bill was passed to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

#### Orders of the Day

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

SENATE JOINT ORDER — re Leadership be provided with legislative assistance prior to convening of 106th Legislature (S. P. 783) — In Senate, passed.

Tabled — March 8, by Mr. Porter of Lincoln.

Pending — Passage in concurrence.

On motion of Mr. Porter of Lincoln, retabled pending passage in concurrence and tomorrow assigned.

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

SENATE JOINT ORDER — re feasibility study of a Conference Center on Peaks Island be extend-

ed (S. P. 789) — In Senate, passed.

Tabled — March 8, by Mr. Porter of Lincoln.

Pending — Passage in concurrence.

On motion of Mr. Porter of Lincoln, retabled pending passage in concurrence and tomorrow assigned.

Mr. Lawry of Fairfield was granted unanimous consent to address the House.

Mr. LAWRY: Mr. Speaker and Ladies and Gentlemen of the House: Last evening while listening to FM radio, WGAN, I was quite surprised and a little disturbed to learn that we had cancelled the afternoon session of March 7 at the request of the Democrats so they could go over to New Hampshire and with the blessing of the Republican leadership.

I realize that there is much justifiable criticism of this Legislature and we certainly take the onus for that, but I think this reflects considerably on the credibility of the news media.

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

On motion of Mr. Porter of Lincoln,

Recessed until one o'clock in the afternoon.

#### After Recess

1:00 P. M.

The House was called to order by the Speaker.

On the part of the House, the Speaker appointed the following Conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act Implementing the Reorganization of the Department of Human Services (H. P. 1551) (L. D. 2012):  
Mr. HODGDON of Kittery  
Mrs. WHITE of Guilford  
DOYLE of Bangor

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

From the Senate: The following Order:

WHEREAS, the sea and shore fisheries of Maine have always occupied a prominent place in the economic and industrial growth of the State; and

WHEREAS, the members of this Legislature have noted with grave concern a decline in activity and productivity of the Maine fishing industry; and

WHEREAS, this industry, once known as the cornerstone of prosperity, is currently plagued with many abusive and troublesome problems; now, therefore, be it

ORDERED, the House concurring, that there is created a Special Sea and Shore Fisheries Interim Study Committee to consist of 3 Senators to be appointed by the President of the Senate, 7 Representatives to be appointed by the Speaker of the House, and 5 public members to be appointed by the Governor with the advice and consent of the Council, to study the fishing industry of this State and for the purpose of this study any subject matter adjudged by the committee to be relevant or germane to the subjects of its study or helpful to it in the summation of the work hereunder shall be deemed within the scope of the committee's inquiry hereunder; and be it further

ORDERED, that the members of the committee be compensated for time spent in attendance of meetings of the committee and when engaged in performance of duties under instructions of the committee and authorization by its chairman at the rate of \$25 per day and actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

ORDERED, that all state departments and agencies shall make available to the committee as needed and to the extent possible the information, assistance and services of persons knowledgeable in the field under study; and be it further

ORDERED, that the committee shall have the authority to employ professional and clerical assis-



tance within the limit of funds provided; and be in further

ORDERED, that there is allocated to the committee from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order. (S. P. 791)

Came from the Senate read and passed.

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

From the Senate: The following Communication:

The Senate of Maine  
Augusta, Maine

March 9, 1972

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

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Implementing the Reorganization of the Department of Human Services" (H. P. 1551) (L. D. 2012).

Respectfully,

(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Divided Report**

Report "A" of the Committee on State Government on Bill "An Act Implementing the Reorganization of the Department of Business Regulation" (S. P. 729) (L. D. 2011) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. JOHNSON of Somerset  
— of the Senate.  
Mr. BUSTIN of Augusta  
Mrs. GOODWIN of Bath  
Messrs. HODGON of Kittery  
STILLINGS of Berwick  
COONEY of Webster  
FARRINGTON  
of Old Orchard Beach  
— of the House.

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

Report was signed by the following members:

Mr. CLIFFORD  
of Androscoggin  
— of the Senate.

Messrs. DONAGHY of Lubec  
SHAW of Chelsea  
SILVERMAN of Calais  
CURTIS of Orono  
— of the House.

Report "C" of same Committee on same Bill reporting same in a new draft (S. P. 787) (L. D. 2059) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.

Mr. MARSTALLER  
of Freeport  
— of the House.

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

Reports were read.

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

Mr. DONAGHY: Mr. Speaker, I would move the acceptance of Report "B" "Ought not to pass" in non-concurrence and would speak briefly to my motion.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves that the House accept Report "B". The gentleman may proceed.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: In the first place I will declare my position as far as my past occupation and to a degree my current occupation as being an insurance man. I am not only a life insurance man but I have also been an insurance broker for many years. I am also a mutual fund salesman.

With that being said, I am sure that you will hear in the debate words regarding the lobbying of the banks and I want to state on the start I am not worried about the banks or the insurance companies. I am worried about the insuring public. I do not think that this bill in its present form will protect these people to the degree that they deserve protection, and they are the ones that sent us here, the taxpayers and the public.

So I would ask you to go along with the "ought not to pass" on this report.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In the past few days there has been talk along the corridors of this House about deals. I have been in the Legislature since 1955 and never once have I swapped my vote with anybody if I did not approve of the principle of this bill. Now compromise is something different. I have often given in to changes on bills if they didn't affect the basic principle.

Now the insurance industry and banking institutions both deal in finances and, as the gentleman from Lewiston might say, in the long green, and in one area they both lend money. All of us have had some experience to some extent with both of these, but I think that a complete union of the two of them would not make for a compatible marriage.

As far as insurance goes, I feel that this bears investigation even from the national level. Rates go up every year. If we put a claim in, no matter how legitimate it is, our rates go up. And they now have a scheme that is really pleasing the public and it is highly advertised throughout this state and the nation, and it claims if you pay a minor premium and if you are hospitalized you will get \$100 a week; but try to collect it! They will find out a way, in the great majority of cases, to lick this and in the meantime let the people keep on paying.

As far as banking goes, I have had some experience in banking. I have served on several boards. However, I hold no brief for all phases of banking. As I mentioned before in this House, they are willing to loan you money if you don't need it. But more than this, if the average person goes to a strange bank they often make them feel like a criminal if they try to cash a check.

Let me give a personal example of this. I had an account with a large New York bank and I found myself short of funds in that city.

So I went to a branch bank there to try to cash a hundred dollar check. I took it to the teller and I thought she could lift up the phone and verify my account, but she was very snippy and she had me see a vice-president. He wasn't there. So she sent me to see another vice-president, and this one used the phone and finally did verify my account and my ability to get the \$100.

But, in the whole process I felt very guilty. I felt that they felt that I was pulling a Ponzi, and for those of you who don't remember Ponzi he was the greatest con artist in the United States.

Now this, of course, is very poor public relations, and I know that the banks don't approve of it, but the tellers feel they must be careful of their funds. But to combine these either with a top insurance man at the head or a knowledgeable banker at the head makes no sense to me. I can see faults in both industries, but together they make no more sense than a woodchuck and a rabbit, and I move indefinite postponement of this bill and all of its accompanying papers.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the Reports and Bill be indefinitely postponed.

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

Mr. MARSTALLER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will defeat the present motion and if you defeat that motion maybe we can come around to the time when we can think about a motion to accept Report "C", which was accepted in the other body.

Report "C" is a compromise, if you will, which does keep the department as proposed intact, but it separates more than the original bill the operations of the insurance department and the banking department and does overcome some of the objections that were made to the original proposal. From all the testimony and discussion I have heard of the various ideas, it would seem to me that we are going to do one thing if

we accept Report "C", and that is we are going to save some money, about \$22,000 a year. And I haven't been convinced by any of the arguments that we are going to have any less or poorer service from our departments than we have now, and we will be able to save some money.

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

Mr. SILVERMAN: Mr. Speaker, I would like the Representative from Freeport, Mr. Marstaller, to give me a breakdown where this \$22,000 worth of saving is coming from Report "C". Or is it possible that a savings can come without organizing the banks and the insurance companies?

The SPEAKER: The gentleman from Calais, Mr. Silverman poses a question through the Chair to the gentleman from Freeport, Mr. Marstaller, who may answer if he chooses, and the Chair recognizes that gentleman.

Mr. MARSTALLER: Mr. Speaker and Ladies and Gentlemen: From our Finance Office we have these figures that were developed with the committee, and in the personnel service it is \$18,500 and other services \$3,800 and something.

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

Mr. SILVERMAN: The personnel of \$18,000, as I understand it, is one deputy insurance person, who is being relieved from his position if this bill goes through, which possibly could be done whether you reorganize or not. Am I correct?

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Clark.

Mr. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would like to support the motion of the gentleman from Bath, Mr. Ross that this bill be indefinitely postponed, and I will give you a few reasons for my thinking.

In the first place the present Department of Banks and Banking has operated most efficiently over the years and has been reasonably free from political inter-

ference. They have served the people of Maine wisely and well. Now as of December 31, 1971, the state chartered banks which the Banking Department supervises were as follows: There were 21 trust companies with 128 branches, with \$699 million of deposits. There were 32 mutual savings banks with 28 branches with \$1,062,000,000 in deposits, making a total of 53 banks with 146 branches with a total of \$1,761,000,000 in deposits.

Now my question to you this afternoon is this. Do not the businesses and the individuals only with these deposits deserve a separate department staffed with permanent and professional people who are under the Civil Service supervision? And in order that this most satisfactory supervision may be continued, I would suggest that we accept this motion of the gentleman from Bath, Mr. Ross.

As far as this Report "C" is concerned, this somewhat attempts to eliminate the Banking Department from the complete conglomerate but nevertheless they are still under the same umbrella. The Boxing Commission, the Racing Horse Commission, the Real Estate Commission, the Maine Industrial Building Authority, the Maine Recreational Authority, the Maine Municipal Securities Board, and the Insurance Department.

Now I submit to you that this is not at all compatible and I believe it is not in the best interest of good banking. Now I happened to attend the hearing this summer and at that hearing Commissioner Hogerty stated that probably he thought that the sum of \$37,000 might be saved if all these boards and departments were combined. Since that time some estimates have been made as to what it might cost to set the commissioner up, to pay his salary, and the latest figure I had on that was at least \$38,000. Now I thought at the start that we were attempting to save money and give better service to the people of the State of Maine. I submit to you that this bill does neither one.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I too rise to oppose the motion for indefinite postponement in hopes that perhaps we might be able to pass Report "C." If you notice, I signed Report "A," which I feel is a far superior bill, but I am afraid that this late in the day we have got to start being realistic.

The difference between Report "C" and Report "A," is in Report "C" the commissioner may not appoint the director of Banks and Banking, this is done by the Governor and Council, and the commissioner may not transfer personnel from Banks and Banking to any other part of the Department of Business Regulation, and the director will prepare his own budget.

I am not particularly happy with Report "C." In a way I think in a sense perhaps it is a sellout to the banks, but it is a beginning and it is better than nothing at all.

I wish that I were as gracious a loser as the Speaker of the House.

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

Mr. LYNCH: Mr. Speaker and Members of the House: Perhaps I should identify myself again as I have on other items that have come before us. This bill, no matter how it is handled by this body, whether it is accepted "A," "B" or "C," will have no effect whatsoever on me. It will have no effect on the bank with which I am associated. We have been successfully in operation for almost a century. We are not a state-wide branch in the organization nor a member of a holding company; so I can speak for an individual bank, one of the very few commercial banks, independent banks, left in the state.

We have operated successfully for almost a hundred years and I think with a certain amount of pride I can say that as far as I have been able to determine we are one of the few, if not the only bank in the state, that paid interest on saving accounts all through the depression years.

Now I am sure many of the members of this committee who

worked on this legislation have knowledge of the 30's only as a matter of history. I don't think they recognize the problems that were faced in this country during the early 1930's. And as a result of those problems there were some very drastic changes that took place in banking. Many of them were very successful. I am sure you have to point FDIC as an example.

But I am not concerned with banking, nor the banks. I am concerned with the individual citizen in this state and I point to support the other day of \$35,000 for the PUC, because I felt that the Utilities Commission, faced with the problem of handling several rate increases, ought to be provided with sufficient staff so that they can handle them expeditiously, so that the utilities would not have to wait too long for a decision, and at the same time the people of the state ought to be very thoroughly protected in any decision that is made.

I referred you to the California Public Utilities Commission. I said then that that was a model commission. It was very innovative, it had undertaken rate reductions that were followed all across the country. And now that they have become realistic and had to give one of the largest increases to a telephone company they are being crucified. And I didn't want the Utilities Commission in this state, knowing that they had to give some increases, to face the thing, go into battle with one hand tied behind their back.

I feel the same on this bill. The people of this state have to be protected. Now Report "C" takes the banks, the appointment of the director out of the commissioner's hands, puts it back where it is now in the Governor and the Council. I feel that the director of insurance should be the same. You cannot take politics entirely out of state government, but you ought to reduce it to a minimum, and I feel that the commissioner of a department should not have the power to appoint a director to serve under him, because I am afraid that his influence would carry down into that department.

Now the insurance department of this state and every state in the Union is a very important one. It is the only protection that the people of this state have that the insurance policies that they have are with companies that are solvent and able to meet their claims.

Now coming back to the early 1960's, almost two million people, a million and a half or two million people, did not have insurance protection that they were paying for. There were better than five dozen failures of insurance companies in 21 states alone. Now where do the people look for protection? They look for it in the PUC, they look for it in the Department of Banks, they look for it in the Department of Insurance, and they have to be strong, independent agencies in order to protect the people. They should be free from political influence as much as possible. They should be free from pressure from a commissioner or anyone serving above them.

Now if you are at all familiar with banks, if you are at all familiar with insurance companies, you will recognize that the changes that are taking place in both industries have been rapid and drastic in the last several years. Banks are getting into insurance, insurance companies are getting into activities that were not part of their traditional role in investment policies. Banks are getting into activities that have been a far departure from their traditional role as a banking institution. And if the Hunt Commission with its 89 proposals is implemented you are going to have such a drastic change in banking and financial institutions alone that are going to be something to see.

Now I am sure you think I am going to support the motion for indefinite postponement. I have supported all the reorganization bills; I am not going to oppose this one. I have pointed out some of the areas that I am concerned with. I am not going to make any motions. I hope that in a small measure I have provided some light as evidence of my concerns. I think that I would oppose the motion for

indefinite postponement and hope that you would in some way alter this bill so that it would be acceptable to me.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As a legislator for the past two or three days I have become very much amazed by how much support the state departments are receiving, because all of a sudden I guess we are saying that there is nothing wrong with what's going on. Ever since I have been here for the past four terms everyone has complained about the size, the direction, the goals, the results of what various state departments are doing; and it was really refreshing I guess to me, and has been for the past days that we have been discussing reorganization, to find that all of a sudden that there is a new constituency that has arisen within our body — I suspect even at times that has included me, to support the departments and the way that they have done things for so many years that we have complained so long about.

I just happen not to own much money, so I guess I don't have any bank; as a matter of fact I owe them a heck of a lot more than I would care to publicly disclose even though I voted for the disclosure bill at one point. I just happen to be an agent for a life insurance company of this state and I have not known them to publicly or privately attempt to influence my vote, to try to tell me that I ought to vote either way on this bill. The only time I have discussed it with them they said "Do what you think is right." and I intend to do that today when I vote against the motion made by the gentleman from Bath, Mr. Ross.

I also was going to support Report "A", but at this point I am willing to accept whatever the majority of the members of the House wish to accept, which probably means Report "C". I do know this, that whatever job we do, whatever attempts we make, to reorganize state government,

this department or departments, or whatever other we want to include or exclude, it is a step in the right direction.

I think some of us may be back next time, assuming that the people decide that we ought to come back, and I think that we will be in a position to see what is going on, to see whether or not changes ought to be made. And I am going to take that chance I guess because I have not been happy with the way that certain things have been done in the past in various departments. I am going to try to support governmental reorganization on the basis that maybe it may work to the advantage of all of us and all of the people of the state.

So I would ask you today to vote against the motion made by the gentleman from Bath, Mr. Ross, and when the vote is taken I request that it be taken 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 Bath, Mr. Ross, that the Reports and Bill be indefinitely postponed in non-concurrence. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carrier, Churchill, Clark, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Dam, Donaghy, Dyar, Emery, E. M.; Evans, Faucher, Finemore, Good, Hall, Hancock, Hardy, Haskell, Hawksens, Henley, Hewes, Immonen, Kelleher, Kelley, K. F.; Kelley, P. S.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Martin, McCormick,

Millett, Mosher, Murchison, Norris, Page, Parks, Payson, Porter, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Trask, White, Wight, Williams, Wood, M. W.; Woodbury.

NAY — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Carter, Clemente, Collins, Conley, Cooney, Curran, Curtis, A. P.; Cyr, Dow, Doyle, Emery, D. F.; Farrington, Fecteau, Fraser, Gagnon, Gauthier, Genest, Gill, Goodwin, Hayes, Herrick, Hodgdon, Jalbert, Jutras, Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Marsteller, McCloskey, McTeague, Morrell, Murray, O'Brien, Orestis, Pontbriand, Santoro, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Susi, Theriault, Tyndale, Vincent, Wheeler, Whitzell.

ABSENT — Bedard, Bernier, Crosby, Drigotas, Dudley, Lessard, Maddox, McKinnon, McNally, Mills, Pratt, Rand, Tanguay, Weber, Whitson, Wood, M. E.

Yes, 73; No, 61; Absent, 16.

The SPEAKER: Seventy-three having voted in the affirmative, sixty-one in the negative, with sixteen being absent, the motion to indefinitely postpone does prevail.

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

Mr. MARTIN: Mr. Speaker, I move that we reconsider our action whereby this bill was indefinitely postponed.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin moves that the House reconsider its action whereby this Bill was indefinitely postponed.

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

Mr. ROSS: Mr. Speaker and Members of the House: I am delighted that the gentleman from Eagle Lake made that motion because I was going to make that motion, too. I hope that you will vote against reconsideration.

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

Mr. DONAGHY: Mr. Speaker, is the floor open for debate at the moment?

The SPEAKER: The reconsideration motion is debatable.

Mr. DONAGHY: I hope that you will reconsider your action based upon a fact that I think you should know, that the only savings would be the doing away with the assistant commissioner of the Insurance Department.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess I probably knew what the outcome of the roll call was going to be, but I was a little bit surprised. I didn't realize how effective some of our boys have been in lobbying, and of course in the other body for the most part. I suppose, but I guess some of that is bound to spill over.

It is interesting really how the savings banks and commercial banks had originally arrived at a compromise that would satisfy everyone, and lo and behold, then the savings banks pulled out and away we went.

The last couple days I have seen some of what actions have taken place that have not at all pleased me about what some of the lobbyists have attempted to do. I perhaps ought not to be as cynical about some of my lobbyist friends on this one, but I can't help it. I feel that they are not doing the State of Maine a favor, they are not doing any of you a favor; they are doing only themselves a favor. And I can't believe that we are going to let them do this to us.

A few minutes ago I called an individual who happens to be relatively respected within the commercial banks, and it was his impression that he thought that everyone had agreed to the bill and was satisfied with it. He was amazed to see that all of a sudden a lobbying attempt was being made to kill the bill.

I would hope that this would not occur today. I would hope that we would reconsider, and then when reconsideration takes place, that we would not indefinitely postpone the bill. So I would plead with you to vote to reconsider, so that at that point we can go along the journey

that we ought to be taking. I really plead that something has got to be done, and this, I think, is the way to do it.

I am not going to be satisfied with the compromise I suspect, but I suspect no one else is either. But I think in the long run it is for everyone's benefit. And so I would ask you to vote for reconsideration, and when the vote is taken I would request that it be taken by the yeas and nays.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: I know the gentleman in the far corner was not referring to me because I am not opposed to the bill because of the banking feature. I am sure the committee has not recognized that there is another feature in this bill that is equally damaging, and I am quite sure it has had an effect on the vote that has been taking place.

The committee in its wisdom saw fit to remove the appointment of the Director of Banking as a compromise. And I wonder why they didn't consider removing the Director of Insurance and put it back in the hands of the Governor and Council? I am sure that would remove some objections.

I wonder if the committee knows what is taking place in the insurance field? I wonder if the committee knows that the National Association of Insurance Commissioners, who are the commissioners in the fifty states in charge of insurance departments, meeting together, are pushing for a guaranty fund, which in essence is nothing more than a fund comparable to the Federal Deposit Insurance, because they recognize that there are insurance companies that are going insolvent. There are people losing their insurance protection. There are people who have been severely damaged because of loss of insurance protection.

Now to me a guaranty fund of this sort is a confession that the state departments of insurance have not been doing an adequate job. They have not been looking at sound insurance practices. How many dollars of premium should

there be for a dollar of policy holders surplus? A lot of them are doing some very skimpy financing in that area. How many insurance companies are under capitalized? You don't have to worry about IT&T and Hartford Fire Insurance. They are going to operate in a glass fish bowl. Everybody is going to be looking at what they are doing. But how about the small fly-by-night operators that are fleecing the people and leaving them without any insurance?

I am sure if you would remove that feature from the Insurance Department that you would gain some votes. And again I am speaking for the people of Maine.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I am planning to vote in favor of reconsideration, but I am doing so partly because I would like to hear more discussion of what this legislation does. And I would hate to see this bill die at this stage of the game.

I find some of the debate here confusing so far because I have been suffering under the misapprehension, I guess, that the purpose of all of this was to give the state an opportunity to regulate the insurance fields and the field of banking. And somehow as I listen to some of the opposition I have the feeling that the people who are supposed to be regulated are somehow calling the tune.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to take a little of your time this afternoon and have you listen. I would like to concur with Mr. Ross with his expertise and experience, and I would like to have this House know some of my experiences as a legislator.

In the 104th, as I referred to before in this special session, I sponsored a bill which forced the banks and people in that business to discharge chattel notes and mortgages. I will state right here and now that we have good banks and we have rotten banks. We have

good insurance companies and we have rotten insurance companies.

This legislation, through my research on that, there is something like a \$16 million a year racket here in the State of Maine. Banks were charging our citizens a fee to have their mortgage or their note recorded and charged them a fee to have it discharged. In a large number of cases these notes were never recorded and they were never discharged. The banks and the money people pocketed this money as clear, pure, unadulterated net profit. Through this legislation my credit with the banks that I do business with here in the State of Maine has been jeopardized to the extent that I am practically on my knees.

The same session I sponsored another bill that pertained to conditional privilege. Now if you are not aware of what conditional privilege is, it was a bill to end snooping by insurance companies and credit groups. They would snoop into your business, make credit reports and never verify them, and you as citizens had no recourse whatsoever.

Through this I had two life insurance policies cancelled, which I had bought on a retirement basis. One was in effect 11 years and one for 10 years. These were both cancelled by insurance companies. My household policy was cancelled by insurance companies. My truck insurance was cancelled by insurance companies. Now if these boys haven't got strength somewhere, I am very mistaken. I learned the hard way. You either play ball with these boys or you get out of the ball game. Well I don't play ball with anybody unless I really have to, and then I am going to have the game played on some of my terms.

If we are going to pass this legislation this afternoon — you have been talking about umbrellas. If you want an umbrella, put this agency under the umbrella of the Consumer Protection Division of the Attorney General's office.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I



wasn't going to get up here this afternoon, but I sort of caught fire here when it was imputed that perhaps anybody that voted for indefinite postponement had succumbed, we will say, to a lobbyist. On this particular bill I haven't talked to a lobbyist, except to tell him before he even asked me, that I was not in favor of this particular umbrella at this time. We haven't lost the ball game if we postpone it until the regular session.

I think that many of us feel sort of pressed and crowded to do something to get it done with without thorough, mature deliberation, and I think we all voted for the reorganization bills so that we would have a chance in the special session to come up here and deliberate and to speak our minds without being called a traitor, not that we have been called traitors, but to feel that lobbyists work on me. I think that every lobbyist in this House that has been here for five years will say I am a hard man to lobby. Now I am very willing to talk to all lobbyists, and I appreciate their help, but I make up my own mind.

Now I have never said this before on the floor of the House, but I have been in the life insurance industry, a successful producer, one who has achieved the highest degree of life underwriting, the CLU; and if anybody knows anything about that, they know you have to study and you have to think. And the insurance industry we know in times past has not been perfect. In the investigation of 1910 it was horribly investigated and improved.

It is a business that involves millions and billions of dollars. The banking business is a business that involves millions and billions of dollars. And what is the sense in a moment or two to put these all together under one tent? I think it takes specialists in each field. I guess I have said enough.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen: No one has lobbied me here today, but I feel very strong that some per-

son must have been lobbied in this House when I observe the vote of one person who was on the losing side in two incidents. He immediately changed his vote to the winning side so he would have the privilege of reconsideration. I feel sure he must have been lobbied, and I shall stand with Mr. Ross.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to assure the gentleman from Oakland that no one lobbied me, because either way I suspect it would have been hopeless. I am amazed because really I am surprised that he would say that I was lobbied. I am not sure who would be lobbying me right now because I changed my vote immediately before the vote was announced. I guess there must be a secret way of getting messages into this body. That is not the case.

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

Mr. LUCAS: Mr. Speaker and Members of the House: I certainly hope you will vote to reconsider this issue. There have been statements made here on the floor of the House today which indicate that certain insurance companies may not be paying claims and certain banking institutions may not be doing their dutiful duties as they are intended to do.

Certainly banks want access to a person and certainly insurance companies want access to a person. Neither want the opposing group to control the functions by statute.

I think Committee Report "C" would allow that, and in order to give people a chance to vote for that committee report I would ask that you do reconsider this vote.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I hope that we do not reconsider. I wasn't going to speak on this either, like some of the rest, but I think probably I have had a little more banking experience

than most of them here, having had my first position when I hadn't reached my twentieth birthday as being head bookkeeper in a bank. I started in — when the crash hit I got hurt a little — at that time I considered it a lot, but right after that time I started saving my money and putting it in barrels. I didn't want it in the bank.

So I saved hard,—and many of you have heard me tell this, I saved pretty hard to get a barrel of twenty dollar bills, and a mouse got in and ate all the two's off. So I started in then putting it in the bank. Now you follow it along. I want to tell you something about insurance and banking. I probably use a bank nearly as much as any member of the House, having over 45 years experiences in it, and I probably buy insurance to the amount of more than anybody in the house. I carry over a million dollars insurance on all my motor vehicles, every single one of them, and I do a lot of banking.

I have never had any trouble with the insurance company. I have lost three windshields in the last three months and they pay me and never say a word. I have never had any trouble with the bank whatsoever, and as I say, I have gone along with them. I hope you do not go along with reconsideration.

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 Eagle Lake, Mr. Martin, that the House reconsider its action whereby it indefinitely postponed L. D. 2011. If you are in favor of reconsideration 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, Carey, Carrier, Carter, Clemente, Collins, Conley, Cooney, Curran, Curtis, A. P.; Cyr, Dow, Doyle, Farrington, Fecteau, Fraser, Gagnon, Gauthier, Genest, Gill, Goodwin, Hancock, Herrick, Hodgdon, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marstaller, Martin, McCloskey, McTeague, Murray, Norris, O'Brien, Orestis, Pontbriand, Santor, Sheltra, Slane, Smith, D. M.; Smith, E. H.; Susi, Tanguay, Teriault, Vincent, Wheeler, Whitzell.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Clark, Cote, Cottrell, Cummings, Curtis, T. S., Jr.; Dam, Donaghy, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Finemore, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Hewes, Immonen, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Marsh, McCormick, Millett, Morrell, Mosher, Murchison, Page, Parks, Payson, Porter, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Woodbury.

ABSENT—Bernier, Crosby, Dri-gotas, Dudley, Lessard, Maddox, McKinnon, McNally, Mills, Pratt, Webber, Whitson, Wood, M. E. Yes, 65; No, 72; Absent, 13.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-two in the negative, with thirteen being absent, the motion to reconsider does not prevail.

### Order Out of Order Tabled Later in the Day

Mr. Susi of Pittsfield 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 Full-time Prosecuting Attorneys" (S. P. 775) (L. D. 2055)

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

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think that you heard what the order dealt with. It was to recall the prosecuting attorney bill from the Governor's desk to the House. And the hope is that we would be able to reach accommodation on this so that we would wind up with a beefing up of the prosecuting attorney system in the State of Maine.

There have been some overtures made on this bill. We would presumably be caucusing on this and you would become acquainted with what is being proposed. And in order for us to do anything with this we would have to have the bill before us. This is the purpose of the order.

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

Mr. LUND: Mr. Speaker and Members of the House: I also hope that you will vote in favor of the withdrawal of this bill from the Governor's desk. I think that if there is an opportunity to enact something that can receive passage this session it is deserving of the efforts of all of us.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Before I vote on this thing I would like to have at this stage of the game the proposal brought before us. I know what the proposal is and I am against it. And on that basis, it would take us and delay us possibly one or two days, and I think we are entitled to know what the proposal is when it is brought back to us. Now we know what it is, and the sponsor of the order I am sure knows what it is, and I think it ought to be explained to us right here and now so we can decide. I know what the proposal is and I am dead set against it. I would like to have it explained before I cast my vote.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have absolutely no idea what the proposals are, except that there have been some discussed. I am going to vote for recalling it from the Governor's desk because I think whatever we can do to solve the problem is doing the right thing. And I would hope that we would vote to recall it.

I, at this point, again I say, I don't know what it is. I don't see it as a problem because we will be able to vote on it. It isn't going to change anything, I am sure. If there is no accommodation or agreement then it goes right back to where it came from, because I sitting in this corner certainly don't have the votes to stop whatever might eventually be decided by the Majority Party. But at this point, and I hope that we can do the job, I would vote for recalling the bill from the Governor's desk.

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

Mr. DAM: Mr. Speaker and Members of the House: I would oppose the recalling of this bill from the Governor's desk. I think the other day we had a good chance to hold it right here and to compromise on the bill and to work out an agreement. And as far as my good friend, the Representative from Pittsfield goes, he can use the word overtures because he may be far more well educated than I am, but I use the word deals.

I am not interested in any deals that have been made. And if the good Governor wants to see fit to veto this bill, let him veto it, and I say let's let this bill go on its merry way, it is on the Governor's desk. Let's let it go and let's get out of here. Let's not stall for any more time or waste any more time or any more of the taxpayers' money.

We had a chance the other day. We didn't do it. Now let's let the bill go either to be enacted by the Governor or let's let the Governor kill it. Let's not waste any more of the taxpayers' money, let's not

worry about overtures, so-called, or deals. Let's just forget the whole thing.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am truly amazed that the gentleman from Eagle Lake can stand and tell us that he knows nothing about what would be in this bill should it be recalled here. If he doesn't there is something wrong with his ears because I have heard it from at least thirty legislators since we have adjourned at twenty minutes of eleven this morning.

This stems from the corner office and it had the approval of some of the opposition party. I know what it is. I know it is going to delay us. It is a lousy deal in the first place and I want no part of it now, and if it comes before us to vote I will have a great deal more to say about it than I do now.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to assure the gentleman from Lewiston and the members of the House that I know absolutely nothing about a deal, that the Governor has not talked to me about this bill, about working out anything at all — not whatsoever. All that I am saying and all that I said earlier was that if there is a chance to work out an agreement where somehow we can satisfy all parties, including the Governor, it seems to me in the long run that this is the approach we ought to take.

I repeat, I do not know anything about a deal, nor has the Governor talked to me about it. There has been discussion with me on the part of both Democrats and Republicans about suggestions; and I at this point don't even know what all of those are. Maybe I am wrong, but I hope that if there is a chance of working out something we ought to take that opportunity. That is all I am asking.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Through what I know of this situation, the Minority Floor-leader has told you his relation to it just as it actually is. I think that this is better talked over in caucus than in session here, but as it stands here now, particularly for the benefit of those in the gallery, it would seem that there have nefarious dealings here, and I don't feel that way at all.

Another member of the majority leadership, not myself, talked with the Governor, so far he agreed that this is an allowable procedure, I feel that it is. Particularly at this stage of the session we are trying to resolve many things, we can't do it with 200 people lots of times — lots of times it boils down to one or two people having to talk things over and making other proposals, overtures, deals, whatever you want to call them when we are trying to wind up the session.

Now this member of leadership in talking with the Governor on this topic of the county attorney bill, which has been widely publicized, they arrived at a proposal which in the opinion of these men deserved our consideration. And it would involve something along the lines of dividing the counties into those which would have elected county attorneys and those which would have appointed county attorneys.

Now whether or not you accept it or reject it is purely up to you, but it was the opinion of these people in leadership positions that this warranted our consideration. Now an order was prepared with my name on it and it was presented to my desk here just a few minutes ago, and I had no reluctance whatsoever to submit this order. Now if you can find in this situation anything that anyone should be condemned for, I think you are possessed with beautiful imagination.

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

Mr. KELLEHER: Mr. Speaker, I move that the House recess until the sound of the gong until we

find out just what is transpiring here.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher that the House recess.

Thereupon, Mr. Dam of Skowhegan requested a vote.

The SPEAKER: A vote has been requested. All in favor of recessing for ten minutes will vote yes; those opposed will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 79 having voted in the negative, the motion to recess did not prevail.

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

Mr. GILL: Mr. Speaker and Members of the House: I am concerned that we are approaching the windup time of the Legislature. I am concerned that we get a meaningful prosecution bill. And I don't hold anything against anyone, but it has been explained that the solution of this is maybe two people getting together and talking.

So therefore I actually would oppose calling this back from the Governor's office at this time. It would seem like if at any time in the afternoon these two people could go out back and talk and we would be able to get along quite well without them. If they were able to resolve this matter, then they could come back in and they could say, these two people that decided what we should do, and then in this case we can go through the procedure of passing this order, drawing it back from the Governor's office.

All these steps take time and money, but right now it seems like the two people that are going to decide this aren't quite sure what they want to discuss, and I agree with them. They should discuss it before they bring it before us. But there are the mechanics involved in bringing this thing back from the Governor's office and taking it back over. It costs money, every one of these things, and if they can come to some agreement I would be glad to call it back from the Governor's office.

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

Mr. HEWES: Mr. Speaker, I move that it be tabled until later in today's session.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes moves that this matter be tabled until later in today's session pending passage. All in favor of tabling this matter until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 54 having voted in the negative, the motion to table did prevail.

### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974) reporting that the Senate recede from its action whereby it accepted the Minority Report "B", refer to the 106th Legislature; accept the Minority Report "A", Ought to Pass as amended; adopt Committee Amendment "A"; adopt Conference Committee Amendment "A" submitted herewith; and pass the Bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A"; that the House recede and concur with the Senate and pass the Bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A".

(Signed)

DUNN of Oxford  
CLIFFORD

of Androscoggin  
— Committee on part of Senate  
HASKELL of Houlton  
MARSTALLER

of Freeport  
CAREY of Waterville  
— Committee on part of House.

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

tee Amendment "A" in non-concurrence.

In the House, the Report was read.

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

Mr. HASKELL: Mr. Speaker, I move that the House accept the Report of the Committee of Conference.

The SPEAKER: The gentleman from Houlton, Mr. Haskell moves that the House accept the Conference Committee Report.

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

Mr. FARRINGTON: Mr. Speaker, I would like to direct a question through the Chair to the gentleman from Houlton, Mr. Haskell, maybe a couple of questions. Quite a few of us are a little bit confused on the vagueness of some of the language.

My first question is, where it is underlined, "which shall include but shall not be limited to"; now, what does that mean by reference, if anything? Does that mean that other items could be included by the school boards, the board of trustees?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington poses a question through the Chair to the gentleman from Houlton, Mr. Haskell, and the Chair recognizes that gentleman.

Mr. HASKELL: Mr. Speaker, Ladies and gentlemen of the House: This phrase was discussed in debate, when we debated this measure in the House. This is a saving clause that is commonly included in definitions of this type. It simply recognizes the fact that you cannot include in definition all of the areas that would be the non-negotiable areas, and for that reason the saving clause is included.

I might say, incidentally, that there was no objection to this clause in the Committee of Conference and that this clause was included in the language that was passed in the House.

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

Mr. FARRINGTON: My second question is, I wonder if the

gentleman would specifically indicate what some of these things mean. For example, content and scheduling of the educational programs? Well, I think that one's okay. The next one, standards of services. Specifically what does this include, standards of services?

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Farrington, poses a further question through the Chair to the gentleman from Houlton, Mr. Haskell and he may answer if he chooses. The Chair recognizes that gentleman.

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: Standards of service probably the most common illustration would be the level of staffing that you would have in — let's say, in areas in school such as art instruction, music, things of this sort; in other words, the standards of educational services that are offered in the school system.

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

Mr. LUCAS: Mr. Speaker and Members of the House: I don't see any real need to accept this amendment. I think it is quite vague and inconcise, as inconcise as perhaps as the author of this bill originally indicated with "inherent managerial functions." I think it's a controversial bill and it would best to be left here because it will turn up again at the 106th without any prompting from us.

You have seen the amendment before you which indicates that broad areas of educational policy are in fact negotiable but according to the terms of Mr. Haskell, for meeting and consulting purposes only. We all know a Supreme Court case is pending. We all know that the process of education is much more complex than certain statements such as "meet and consult."

It is in my estimation a very bad bill. It smacks of jealousy, petty jealousy, municipalities, toward the Maine Teachers Association and it refuses to recognize the justifiable bargaining positions that teachers have in the State of Maine. In fact it abridges the right of fair negotia-

tion. I say to you that the teachers in the State of Maine do need some input into the administration of the schools of our state. Teachers are not asking to run the schools, they are asking for a piece of the action. They are not asking to staff the schools, they're asking, really, let us have a say in how we educate the children. And how closer can you come to education than to be in the classroom yourself and to teach with the youngsters?

I would ask that you not accept the Committee Conference, and would request the yeas and nays.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Lucas, that the Committee of Conference Report be rejected.

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

Mr. DAM: Mr. Speaker, through the Chair, I pose a question to the good gentleman from Portland, Mr. Lucas. Is he speaking — has he just spoken as a representative of the MTA, or as a teacher, or as a representative of his people from the city of Portland?

The SPEAKER: The Chair would advise the gentleman that this question is not relevant.

The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The Conference Report before you this afternoon proves without a doubt that you were right when you constantly voted in favor of L. D. 1974 in this House. This is — it was stated to you previously does not spell out — all it does, it spells out the rights of the teachers and the rights of the school boards, who are elected by the people. It does not affect the law as it is at the present time in negotiations.

I sincerely hope that you will accept the Conference Report before you. Thank you.

The SPEAKER: The Chair would announce at this time for the purpose of the record, that the gentleman from Augusta, Mr. Bustin, and the gentleman from Dixmont, Mr. Millett, will not be voting on this issue because of a possible conflict of interest.

The Chair recognizes the gentleman from Millinocket, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like you to take the report of the Conference Committee and let's go through it item by item. Mr. Haskell would have you accept the content and scheduling of the educational programs to be excluded from teacher-school board negotiations. Now, how are you going to exclude that when the teachers are involved? How can they carry out educational programs without the help of the teachers? You can't do it.

Therefore, I feel that this item is negotiable. Standards of Service, we've heard a definition of that. That also must include teachers. Therefore, it is negotiable. Utilization of Technology, do we want our schools to be at a low level of excellence because the school board doesn't want to include technology? Therefore, that is negotiable, or we feel it should be. The Organizational Structure, naturally the school teachers are interested in that and this is also a negotiable item. And the last one, Selection and Direction of Personnel.

Now, in the labor management negotiations, we all know that there is such a thing as the seniority system. Now, if this were accepted, if this were excluded, then the teachers could not negotiate on a seniority system within the school district or whatever it may happen to be.

Now, I hope, I hope that you will judge this bill on its merits; not on how you feel about the MTA. I ask you to really do that. Thank you very much.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen: I am sure it is going to surprise you, but I agree with the gentleman who has just spoken. I think he's a little bit confused though. These are not negotiable items with the teachers. These are negotiable items with the teachers and the school boards

confronting the taxpayers of the community.

The teachers and the school boards are bound to meet and confer. If they have programs or changes in the educational process that they deem are wise, then they must negotiate with the taxpayers to provide the money. I think we are concerned with the wrong approach. This is not to prevent teachers from negotiating; it is to allow the teachers and the school boards to negotiate with the people who are going to pay the bills.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Last week or the week before, when we discussed on different sides the philosophy behind this bill, this House showed itself by roughly a two to one margin they were at that time in favor of the philosophy of the bill. I think those feelings, although I personally differ with them and differ strongly with them, I think they are very ably felt and very genuinely and truly felt by not only the sponsor of the bill but by the other members who strongly supported him. And I am in a difficult position of having been an advocate in opposition to the idea behind the bill, which I still am, and yet trying to ask you to look at the bill and look at the language of the committee redraft, the Conference Committee Amendment "A".

Those of you who have the Committee of Conference Amendment before you, regardless of how you favor it, whether you favor the bill or oppose it, I ask you to look at it. And I would do the thing, Mr. Speaker, which is probably so foolish in this House, because if there is any group that is perhaps almost as unpopular as teachers it is the lawyers, but I would ask the lawyers in this House whether they favor the bill or oppose it. My recollection is that the lawyers were split on it, just like all the rest of the members.

But I ask each of you, and in particular the lawyer members of this House, to look at the Conference Committee Amendment be-

fore you and to judge it from a technical point of view. What it starts out by saying is, to confer and negotiate regarding terms and conditions of employment. What is a typical term or condition of employment in the school field? Class size is perhaps a very typical one.

Now pose this question to yourself. Assume that this Conference Committee Amendment is enacted by us, and this becomes the law and the law that our school committees across the state and teachers are looking to for guidance. Now the question comes up, should you negotiate regarding class size? Well, the teachers would probably say, yes, you should, because after all, class size is a term of employment. And that's pretty clear that it is.

On the other hand, as you read on in the bill, you see educational policy and we take it through the definition of educational policy and it would seem to me, at least, that class size is an educational policy question. Now you can have classes, I guess, from as small as four or five, or almost individual tutoring up to certain large lecture sections perhaps at the high school level up to sixty or eighty or one hundred.

But then you read the end of the Conference Committee Report, and this is something that was not in the bill originally presented by Mr. Haskell, but it is something that is in our current law. Then it goes on to say, "for the purpose of this paragraph, educational policies" — and remember educational policies are all those five or six lines that go before; "educational policies shall not include terms and conditions of employment," and some other language.

In other words, what this basically says, and I have been trying to think of an analogy that can get the point across, but it says basically this, "You are to negotiate regarding white but not green. However, for the purposes of this paragraph, green is not green, it's white. In other words, it's a mishmash. It is a rotten job of drafting. I blame not the



draftsmen of the thing; it is the concept that's wrong.

I am certain the gentleman from Gardiner, Mr. Slosberg did a fine job with whatever material was given to him; I mean no criticism in any way of that gentleman. But, I suggest to you, and I realize that honestly there may be some mistrust of what I am saying, but I suggest to you regardless of where you stand philosophically on this issue — and the House favors the issue by a good margin, this is a mishmash, because, it says you cannot negotiate about educational policies. But, then it says, anything that is a condition of employment is not an educational policy. It doesn't make any sense.

And if it would be enacted and become law, it would result in a greater degree of confusion than now exists. And it would result in at the very least, a lot of litigation, which takes time and costs money. But, worse than that, I am afraid, because of this very fundamental confusion, it might result in certain things that would be even more harmful to our school system than litigation.

Go through it again and look at it. It says, first of all, terms and conditions of employment you can negotiate, educational policies you don't have to negotiate". But, then it says at the very end, "for the purpose of this paragraph, educational policies shall not include wages, hours, and conditions of employment." What it says in substance is, zero. It is meaningless legislation to put on the book. I would ask everyone in the House, including Mr. Haskell, the sponsor, to attempt to analyze this Committee of Conference Amendment and see if it actually attains anything. My thought is that it does not.

My thought is, that if our Law Court, if this bill is enacted, ever came to look at this thing, although I assume they would be politic enough not to state it outright, would state that the Maine House and the Maine Senate must have had something wrong with it. Not wrong in the ideas. Any man has a right certainly to his own philosophy and the majority has the right to put that philosophy

into law. But anyone reading this thing, would say that the mind that authored it was not really thinking of what's going on, because it gives with one hand and takes away with the other. You're left with a zero and confusion.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think today I rise here really to speak to the good people of this House. Because I only wish that I were able to speak to you people with the degree of suaveness as my good friend from Brunswick, Mr. McTeague. He doth put on a rather convincing argument.

But, I for one, having served on school boards, am not convinced by his arguments. Neither am I convinced by the argument of my good friend from Portland, Mr. Lucas. First I would like to say to Mr. Lucas, that it's very possible that I misunderstood him or I misinterpreted his remarks, when he said that all the teachers want is a piece of the action.

I don't think that they want a piece of the action, I think the teachers in the State of Maine today — this is not all of them by any means, this is only those that have bowed down to the wishes of the MTA. They want all the action. They want to take all the rights away from the taxpayers. And most probably if they had their way, there would be legislation introduced here to do away with the elected school boards. Because I don't think anything would please them any more today than if they didn't have to contend with an elected school board.

But, thank God, in this country the taxpayers still have a few rights left although they're fast diminishing. But one of those rights is to elect a school board.

Now, I think as far as this Committee of Conference Report goes, that the committee did a tremendous job to come to an agreement as well as they did and bring back a report that would — maybe not be as good as the original bill, but would tend to give a

little more thought to those people that are funding the process of education.

I don't think — and I don't say this for me, I'll rule myself out as far as my speaking about school boards, because I have never in 47 years of my life have ever stood in front of any group of people and ever said that I was an educated man, I have said I am not. I am just a common slob that comes from my town, that's to do the best job I can or what I think is right.

I have never followed the party line or taken issue because so and so sponsored a bill. I have looked at the bill because I thought the bill had merit, and I would support it; or it did not have merit, and I would try to kill it.

I think this bill has merit, and I don't think the members of the school boards are incompetent. I don't think the members of the school boards in this State don't have any concern about the education of the youngsters in this state; I think the school boards do have a concern. I think the superintendents and the administration have a concern, and I think they have more concern sometimes than the teachers, because many of the teachers only have a concern for one thing — how much can they increase the budget to increase the fatness of their pocketbook? And it sometimes, of the time I have served that school board, has caused me almost to wonder, aren't these teachers beginning to move to the class that I have referred to so many times in the 104th and the regular session of the 105th, and this session as the so-called fat cats.

I don't think there is any concern from the teachers as far as the education of the youngsters. It is a concern of how much bigger can my check be on every second week when I get my check. And I don't think that the majority — and again I will say the majority of the school boards in this state have ever discriminated against the teachers or the teaching profession. It may be possible that you had a few school boards that have not maybe measured up or faced up to what they were elected to do,

but it would be few and darn few that have not measured up to what they were elected to do.

I don't think that you can condemn this bill. This is a good bill. It deserves passage. Maybe it is not perfect, but my God you can sit here and go back over these L.D.'s in this book and you can find many that are not perfect. But you pass them today hoping that in the next session you can come back and improve them.

Now we have seen the lobbying effort that has been set up by the MTA. Our school boards do not have this chance to hire people to come down here and lobby, because it is a funny thing, your elected officials, you cannot bring these people together where they would donate any money out of their pocket to support a lobbying effort. I tried this once, saying let's each one of us on the school boards donate some money so that we can have a lobbyist in Augusta and try to protect the welfare of the people, but they don't want to.

This is one of the things that is bad with the school board, that when the members get their checks once a year or twice a year, whichever way they are paid, they like to hang onto it. There are many of your SAD's, the directors get \$5 a meeting. Some, such as in my district, because of the law that was passed in the 104th, get \$10 a meeting. But they don't want to contribute anything to a lobbying effort.

But your MTA can assess the teachers. They can almost demand more money to put lobbyists down here in the halls of the Capitol Building to lobby for what they think they want or for better working conditions or more pay, and in all instances it attributes back to one thing, more pay.

Now we have had a good voting record on this bill. Many of you people, who have probably thought in your mind as you voted on this, sure I will be condemned when I go back to my locality by the teachers. But I don't think today it is a question of whether the teachers are going to condemn or whether the taxpayers are going to condemn. I think it is a question of conviction.

Are we sent down here to represent the majority of the people in our area or are we sent down here to represent a few? And I think if each one of you members here today asks yourself that question you can only come to one answer, that you are sent down here to represent the majority of your people; and a majority of your people is not your teaching staff, they are not the MTA, they are not those that would disrupt the educational process of the State of Maine or take away from the power of the elected officials of the school boards.

And for those of you people that voted against this bill, I only ask you one thing. If this were happening to your board of selectmen or your councilmen or any other elected official, your mayor or anybody else, would you vote for any bill or vote against the bill that would take away their rights as elected officials? I don't think you would.

This bill does not hurt the teaching staff in the State of Maine. It does not hurt anybody. It merely tries to put in the proper perspective what should have been there, and it should have been there when the bill was passed, the labor bill covering the public officials. This is only trying to bring the bill where it should have been at that time.

As I said before, maybe this bill is not perfect. Maybe we are coming back, maybe we are going to work it over again. But at least today, let's maintain that same consistency that we have had in the past and not kill this bill off but vote to accept this Conference Committee Report so this bill can go on its way, so it can be enacted, and so that the people, the vast majority of people in this state can think tonight that the Maine Legislature does have a concern for us, that lowly, lonely peon of a taxpayer in the State of Maine.

Mr. Jalbert of Lewiston moved the previous question.

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

taining the motion for the previous question will vote yes; those opposed will vote no.

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

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

The Chair recognizes the gentleman from Millinocket, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker and Members of the House: I was hoping for a chance to reply to Mr. Lynch's intimation that I was confused. Therefore I hope you vote against the main question.

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 position.

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

Mr. DAM: Mr. Speaker and Members of the House: I rise, and I did not vote on the question of whether to put the main question now or not, but I would rise to oppose putting the main question now. I have had my chance to speak; other members have had their chance. I also think there are other members in this House, regardless of whether they feel the same as I do or not that should have the same chance to speak. And I do not go along with this always moving the previous question.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It has been five days since there has been a motion made for the previous question. And I was just moving the previous question because I think we have debated the thing long enough. But far be it from me to stop anybody wanting to speak. I withdraw my motion.

The SPEAKER: The motion for the previous question has been

entertained. The motion cannot be withdrawn. All in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 74 having voted in the negative, the main question was not ordered.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: As I said just a few minutes ago, Mr. Lynch intimated that I was confused. I wish to make it perfectly clear that I also represent the taxpayer in our town, and I am certainly not confused as to the implications of this report.

I have served on negotiating teams, not in the public sector, in the private, but I know what can happen. This is almost like a ball game where the hitters are driving all the pitchers out of the box. So the pitchers want to take the bats away from the batters. And this is just about what this bill will do.

All we have to do as far as these so-called fat cat teachers are concerned, all you have to do is look back a few years and see what they were getting for salaries. I don't know whether you have noticed it or not, but many times in the regular session and also in this special session, the Veterans and Retirement Committee has been faced with adjustment in the retirement for some of these older teachers. And I assure you that when we inquired into the salaries they received, it was pitiful.

Now I don't think that you want to go back to that. It is only because the teachers have been allowed to negotiate their problems that they have come up to a reasonably good standard of living. I hope that we don't do anything to disrupt that. And as far as representing the taxpayer is concerned, if this bill goes through I can't see anything else but more court cases. We have been fortunate that there was only one, and court cases cost money. And in that respect I certainly am looking after the welfare of the taxpayers.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to answer Mr. Simpson also, and also Mr. McTeague. I would like to say to Mr. Simpson, like I have mentioned previously, that we had a hard time to go to town meeting last year and to get our full budget, but we finally got it, it was \$2.5 million. And our budget today, 80 percent of that is salaries, so I think the teachers are paid very very good in Sanford.

As far as Mr. McTeague is concerned, I would like to answer him. When it comes to negotiation, as far as the amount of classroom, children that you have in each class, we have some classes in Sanford you have 12 children in a class. And the most that we have runs between 24 and 28, probably 30 in some classes, but the average is around 26 and 28.

We have sat down with the teachers without being forced to do so, and we have agreed with them that we have tried to help them even though they have been asking for teachers' aides and so forth. We have cut down on the size of the teacher's load. I think it has come to the point today that we have to look also not only in that direction, I think we have met the salaries that Mr. Simpson mentions — I think that has reached its peak.

Now we have to look at the taxpayers' side of the situation. The taxpayer today has got his wife working, he has got himself working, and I am telling you in our town, the town that even refused to die, that we had to work hard to fight to bring it back where it is today. But the people, the taxpayers, the poor son of a gun who is earning about \$80 a week in the mill, he can't afford all this.

I think it has come to a point now where we have got to negotiate and give the school boards a chance to sit down with the teachers and talk with them like we have been in Sanford. Like I told you before, we have good teachers in Sanford, we have good teachers all over the state, but

there is a certain amount that the taxpayer can afford to pay. And this is what we are trying to do now.

We are elected by the people to see how many teachers we can hire, how many we can afford. In some cases — some negotiating team wants us to get two or three psychiatrists and we can afford only one, I can't see where we can be forced to hire three. I think one is sufficient with the size of the school that we have, in many of the schools it is the same way. And this is the problem today. So we are elected by the people to do a job, and I think we are trying to do it without hurting the teachers.

I don't like this implication here that the school board members are not doing their job and they are not fair toward the teachers; this is wrong.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: There is no denying that this bill is the result of the taxpayers revolution against the czar of education, namely, Mr. Marvin and his nuclear force. I say "nuclear" because they are trying to create a dynasty. Like most organizations, I think the majority of the membership don't generally know what is going on.

As a followup of last week's unigram, personal letters were sent out to two of my colleagues. In print was contained the text of the speeches that they had made against this bill on the floor of this House, urging them in the next election to combat these gentlemen. I frankly feel slighted because I have as yet not received mine, because I think I can turn this situation around and use it greatly to my advantage in my next election.

As far as Mr. McTeague's statement, the statement that he made about ambiguity of this measure, if this bill is such a toothless tiger, why are they lobbying so hard and why are they fighting so hard to defeat it? I am certain that this bill can be improved upon and it will in the

106th, but at least it is something to start with. It is something that insures to a minor degree the taxpayer's right to say that our piece of the pie that is going towards education is as much as we can bear at this time.

It is also his right, like I feel in my own position, I would love to drive a Cadillac; I can't afford it, I would love to have a 42-foot yacht; I can't afford it. I would love to have my kids have the best education in the world, but there comes a limit, ladies, gentlemen, that we have to go according to our means; and this is what this bill is all about. I do hope that you will recede and concur with the Senate. Last week we voted better than two to one to pass this measure. I hope today that the situation hasn't changed one iota.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I would like to thank Mr. Dam for keeping the debate open on it, mostly because I would like to refer to some of the remarks that were made by him, that teachers have fat pocketbooks, and I just checked my back pocket and most of what's in there are pictures. Since he felt that a law should be passed or that we have passed many laws, this is just another bill that should be passed and then we can always make it better later.

I am sure that this body isn't really organized to do that. I hope that we use the wisdom that God gave us to make good laws the first time and then we don't have to go back. The school boards have lobbies. I don't know if they feel that the MTA is the only lobby, but I haven't been lobbied by the MTA and I have been in the halls. but I have run into an awful lot of school board members, superintendents and other people that are lobbying for the other side.

If there is a guarantee that passing this law will improve and reduce the taxes — improve the status on taxpayers, I would like to know where it is. There is no guarantee. Members have said that, I think some of the speakers have said that we are going to

save money if we pass this law. I don't see any savings in the law. There is no money appropriated to it, there is no money that we are actually talking about.

I think that many of the items that come before this House this session are accepted immediately and some of them we put off. But I don't think we ought to lose our sense of direction and pass a law for the sake of passing a law here. There is no real emergency in this law. I see nothing pending that creates any kind of an emergency, the emergency clause was removed. If we must do something let's refer this law to the 106th and not lose our cool about it.

I would hope that when you do vote you will support the teachers. The teachers are not an angry crowd, they are not a mob. We are not joining Marvin's atomic henchmen nor anything else. We are a group of taxpayers like yourself and every time that we ask for a pay raise or every time that we do get a pay raise remember, the property tax burden also falls on school teachers. We pay taxes somewhere, and a good share too. Our salaries are not so fantastic that a truck driver driving an interstate truck can earn double our earnings in a year.

I don't know of any teachers at this point that drive Cadillacs, but I have looked out into the parking lot and I have seen many of the children that come to school in better cars than the teachers. And I can still recount people now that I have only been in teaching five years, but I have run into people who are in my opinion still poverty level, and they are teaching. You have a large family, and you are asked to go to work for \$6600 a year and you are paying on a mortgage and you have to run a car to school, then you're no better off than the fellow who is a high school graduate who can earn \$6,000 a year.

Worse than that, the maintenance of the teacher is much greater. I know that when I go to school in the summer that costs me money. I can usually get reimbursed for the actual tuition cost, but I am not reimbursed for the mileage and driving to and

from school every day. And so that the expenses of teachers are the same expenses that we all share, any taxpayer in the community.

Nobody complains when you put a new curbing on the councilman's street, and that results in a one mill or two mill increase in the property tax. But they sure complain if they put a few more dollars in the teachers' pockets. Teachers are professionals. Teachers for the most part are very well trained, and with my experiences and the teachers that I have met I am very happy to be with them.

I hope that you do something about this bill today that will bring honor on the House.

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

Mr. CAREY: Mr. Speaker and Members of the House: In answer to the comments made by several of the gentlemen here, Mr. Whitzell from Gardiner mentioned that there was no money attached to this bill, and obviously there is not. Any monies that the State would put in would come out of the subsidy payments and the monies that would be paid generally would come out of the municipal budgets or the district budgets, so that money would be at that level.

He mentions he makes less than a truck driver. I would say that a truck driver, probably as many of the people here will say, that a truck driver will probably work a few more hours in the course of a year for this amount of money. He will certainly work at least more days.

When he complains about his salary or mentions his salary, I think if he would read the amendment on the Conference Committee Report he will see that one of the things that is negotiable is in fact wages. So that should answer that question.

Mr. McTeague from Brunswick brought up the fact that this bill was a lot of mishmash and he alluded to the terms and conditions of employment, and this is strange because the committee report that Mr. McTeague signed out crossed out some language in a bill and put in the words "terms and condi-

tions of employment." Maybe this is why he didn't even defend the committee position that he signed.

When he says that we should check with some of the attorneys around the place here, if you will look on the supplemental you will see that there is a gentleman named Clifford of Androscoggin who signed for the committee on the part of the Senate. And I assumed that he had been an attorney, so I casually went to the book here and I find that under Clifford he has listed his occupation as attorney. So I assume that that should answer that question.

There is just a simple question here of who is going to run the school system, is it going to be the school teachers or is it going to be the elected superintending committees? Now you send out a team to confer, we had a very wide range — and by the way those people that spoke against this thing except for Mr. Lynch I notice were all those who voted on previous roll calls in opposition to this.

When Mr. Whitzell mentions that he hadn't been approached by the MTA, he didn't have to be, there were seven teachers who voted on this measure, all seven voted in support of the MTA position. Obviously he shouldn't have to be contacted by them. You sent us out as a Conference Committee to do a job for you, and we brought back a victory for you in getting two of the Senators to agree with us. And those two Senators, those two members from the other body, have been able to overturn in the other body that decision, and now this bill comes to us in this particular position.

So I would certainly hope that you would accept this Report.

Mr. Dam of Skowhegan was granted permission to speak a third time.

Mr. DAM: Mr. Speaker and Members of the House: I thank you for permission to speak a third time and I will be very, very brief. I only want to refer to the statement that Mr. Whitzell made, when he referred in his testimony to my name. He said that he doesn't consider himself one of those well-heeled fat cats. Well, maybe he shouldn't consider himself a well-

heeled fat cat today, because I wouldn't consider him a teacher; I consider him a legislator, and I would say that he should be getting the same pay we are getting.

Now as far as the guarantee of saving the taxpayers any money, I have never stood here and said you were going to save a lot of money by this bill. The only thing I said, I think that this bill will stop taking the rights away from the school boards, and I think if you don't have something like this that this is going to allow the eroding of the rights of the school board, and the people do elect the school boards.

Now as far as the high school graduate, as Mr. Whitzell said, earning \$6,000 a year, I am very happy to hear this because I think just this morning we talked about the unemployment situation in the State of Maine and I don't know about the area that Mr. Whitzell comes from, I haven't been down there.

But I do know in my area of Somerset County, and this morning when Mr. McCloskey was speaking about the percentage of unemployment he forgot to include Somerset County. Well it just so happens that Somerset County has got the highest rate of unemployment of any county in the state at this time. We are running better than 14 per cent, I think it is 14.2. And we don't have high school graduates going out and earning \$6,000 a year.

Now as far as your teachers, sure they teach, and they are professionals. I will not take this away from any teacher and far be it from me to say that Mr. Whitzell is not a professional, because he is, and I always have said that since I have been on the school board, that teachers are professionals. But by the same token, they only teach 180 days a year maximum. They go out in the summer and they supplement their income with other jobs.

So this is not the only income they have. They are not teaching, they are not working the same rate of pay or the same rate of time that a man is working in a factory or in the industries of the State of Maine. They are working about

one half that time, and the rest of the time they supplement their income.

Now in my district alone, and I don't think my district is too far different from what the other districts are in the State of Maine, and as I have said, Somerset County is one of the more depressed areas of the State of Maine. We have 164 teachers. We have nine that are getting \$6,720 a year, and I had a whole rate chart but evidently I took it home with me and I didn't bring it back. But the majority of our teachers get \$9,920 for 180 days. We have 16 that get \$11,200, and we have 11 that get \$11,600.

Now this is not a nigger wage or a slave wage or a wage where you force these people into this. This is a pretty good wage and I don't think that the teachers are suffering quite that bad. I am sorry, maybe, that Mr. Whitzell is not getting paid as well as we pay our teachers. maybe we are doing a little better, but evidently even some of our teachers don't believe we are.

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

Mr. LUCAS: Mr. Speaker and Members of the House: We have debated this issue and I certainly would not move the question, but I would like to mention that as citizen legislators here most of us have employment other than coming here to Augusta to sit and talk about how good we are to people who work in the public employ. What we do here, of course, is a matter of public record and I am glad it is so. It is a matter of public record and the debate today has far wandered from the area of concern.

The central issue here is not a matter of who runs the MTA or who runs schools, or who teaches in the schools. The teachers will agree that the school committee, the school boards, do in fact run and operate the schools. The teachers would like to have a voice with the school board, with the administration in the school board. They do not want to abrogate the responsibilities of the school board.

Last week and this week we have heard various and sundry remarks concerning the MTA and a Mr. John Marvin. I wish and I hope that you people here today will not vote on this issue for that reason alone. We have many people who run many different organizations within our state. I have heard mention of a Mr. Bubar who runs the Maine Christian Civic League. I have heard mention of a Mr. Benjamin Dorsky, who has something to do with labor I believe. I have heard mention of a young man by the name of Mr. Carey who works for the Church World.

All of our votes on various issues have appeared in publications of these groups. Last week you allowed seven letters that went to York County, seven letters, that went to York County that identified how a person voted on an issue. I am not afraid to say that I have voted all along against this bill, and I shall do so today. But the reason is not because I am afraid someone published my name in a letter the way I voted.

I am very happy that this is a matter of public record, because you have heard the debate today; you have heard the remarks of Mr. Dam. And I hope that you will refute the tactics used by the proponents of this bill by directing your arguments toward issues not pertained to this bill, and the issue has become further confused and only you can unconfuse this by voting against the report. If you support this particular amendment, you are going to turn this confusion into chaos and I urge you to vote against accepting the amendment.

Mr. Ross of Bath moved the previous question.

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

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



the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Is it the pleasure of the House that the main question be put now? All in favor will say yes; those opposed will say no.

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

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call 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 pending question is on the motion of the gentleman from Portland, Mr. Lucas, that the House reject the Conference Committee Report on Bill "An Act relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law," House Paper 1531, L. D. 1974. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

Mr. Bustin of Augusta and Mr. Millett of Dixmont did not vote because of a possible conflict of interest.

#### ROLL CALL

YEA — Albert, Birt, Boudreau, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Doyle, Emery, E. M.; Farrington, Fraser, Gill, Goodwin, Hewes, Kelleher, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Littlefield, Lucas, Mahany, Marsh, Martin, McCloskey, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Rollins, Santoro, Simpson, T. R.; Slane, Smith, D. M.; Stillings, Vincent, Wheeler, Whitzell.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Bedard, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Bourgoine, Bragdon, Brown, Bunker, Call, Carey, Carrier, Carter, Churchill, Clark, Collins, Cummings, Curtis, A. P.;

Curtis, T. S., Jr.; Dam, Donaghy, Dow, Dyar, Emery, D. F.; Evans, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Good, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Jalbert, Jutras, Kelley, K. F.; Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, Lizotte, Lund, Lynch, M a c L e o d, Manchester, Marstaller, McCormick, Mosher, Murchison, Page, Parks, Payson, Pontbriand, Porter, Rand, Rocheleau, Ross, Scott, Shaw, Sheltra, Shute, Simpson, L. E.; Smith, E. H.; Susi, Theriault, Trask, Tynedale, White, Wight, Williams, Wood, M. W.; Woodbury.

ABSENT — Bernier, Brawn, Crosby, Drigotas, Dudley, Lessard, Maddox, McKinnon, M c N a l l y, Norris, Pratt, Silverman, Tanguay, Webber, Whitson, Wood, M. E.

Yes, 43; No, 89; Absent, 16.

The S P E A K E R : Forty-three having voted in the affirmative and eighty-nine in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Conference Committee Report was accepted.

The House voted to recede and concur.

#### Non-Concurrent Matter

An Act Creating a State Employees' Suggestion Awards Board (H. P. 1507) (L. D. 1949) which was passed to be enacted in the House on February 4 and passed to be engrossed on January 31.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I don't propose to make any motion on this question. I would just like to make a couple of remarks as it bites the dust.

It reminds me of an interesting experience that I had in my first session in the 102nd when I had a bill that had a small price tag on it. In that session the Republicans were not in the majority, and in the House we debated saving the bill and I had some help from a

then Democrat named Plato Truman. We sent it back to the Senate but it didn't do us any good and we got it back.

I would just like to state that I think it is unfortunate that this legislation apparently is going down. We had in effect in the State of Maine for slightly over a two-year period an employees' suggestion award board. During the period of time that it was in effect it presented a number of suggestions, some of which have saved thousands of dollars to the State of Maine and some of you during the regular session saw the effects of some of the suggestions.

Although the bill will apparently be killed on the Appropriations Table, as is being done now, I think the idea will be back before you again. And when it comes back before you again, I hope that you will all take a fresh look at it and see whether perhaps it still makes sense to reward people and to encourage people to make suggestions as to how the State of Maine can save money.

Some three or four dollars were saved for every dollar this program cost during its existence. However, and I kid you not about this, it was not the most popular program with some of the heads of some of the departments or some of the foremen. Because when the suggestions were made, the obvious reaction was, "Well why didn't somebody in here think of that before? Why did the suggestion have to come from one of our lowest echelon employees?"

I won't belabor the point any more. I am sorry to see this idea not funded this session, but I hope you will see it again.

Thereupon, the House voted to recede and concur.

#### Orders Out of Order

Mr. Jalbert presented the following Joint Resolution and moved its adoption:

WHEREAS, the Maine Poultry Industry commands the enviable position of being the nation's major source of premium quality chicken; and

WHEREAS, the Maine Poultry Industry is the state's leading agricultural enterprise and

accounts for nearly one-half of Maine's agricultural market income dollars; and

WHEREAS, the Industry involves more than \$100 million in cash receipts, direct payrolls for over 5,000 farmers and processing plant employees in excess of \$30 million and \$58 million in processing costs plus vast sums paid to Maine business firms for goods and services; and

WHEREAS, these payrolls and other monetary outlays are vital to the health and continued growth of the economy of the State of Maine; and

WHEREAS, a large segment of Maine's traditional agricultural community consisting of contract chicken growers and their families depend upon a healthy and growing chicken market for their livelihood; and

WHEREAS, the recent discovery of a potentially harmful chemical compound, Poly Chlorinated Biphenyls, in a limited number of chicken flocks as the result of the accidental contamination of a known quantity of chicken feed, has created an unwholesome atmosphere of fear and confusion among the consuming public; and

WHEREAS, this fear and confusion has led to a serious erosion of the normally high demand for Maine chicken and threatens serious irreparable economic harm to this industry and the thousands of Maine people who are dependent upon it for their livelihood; now, therefore, be it

RESOLVED, that we, the members of the 105th Legislature of the State of Maine, now assembled in special session, take this opportunity to publicly acknowledge and express our faith and confidence in the wholesomeness and superlative quality of Maine chicken as evidenced by the USDA and FDA's approval of the industry's marketable products and to extend our support and cooperation to the Maine Poultry Industry by urging and encouraging consumers, public and private eating establishments, to give Maine chicken high priority in their menu fares; and be it further

RESOLVED, that a suitable copy of this Joint Resolution be trans-

mitted forthwith to the Poultry Industry in token of our support (H. P. 1616)

The Joint Resolution was received out of order by unanimous consent, read and adopted.

By unanimous consent, ordered sent forthwith.

#### Tabled Later in the Day

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that there is created a House Apportionment Commission to consist of the Speaker of the House of Representatives who shall act as chairman pro tem until a permanent chairman is elected by members of the commission; 2 members of the House appointed by the Speaker; one member of the House appointed by the Minority Floor Leader; 2 members of the Senate, one of whom shall be appointed by the President of the Senate and the other member appointed by the Minority Floor Leader, the chairman of each of the major political parties in the State or his representative, the head of the Political Science Department of the University of Maine at Orono and one member of the history or political science department of one other Maine college, to be appointed by the Speaker of the House, and a member of the League of Women Voters, to be selected by that body; and be it further

ORDERED, that the commission shall meet as often as necessary at such times and places as the chairman shall direct and any 6 members shall constitute a quorum; and be it further

ORDERED, that the commission may hire such staff members and consultants, within the limits of its appropriation, as it may deem necessary to accomplish its duties; and be it further

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

ORDERED, that the commission shall submit to the Clerk of the House prior to the date of conven-

ing of the 106th Legislature a plan and proposal for apportioning the Maine House of Representatives; and be it further

ORDERED, that the commission shall continue in existence until the Legislature has enacted into law an apportionment of the House of Representatives; and be it further

ORDERED, that there is appropriated from the Legislative Account to the commission the sum of \$6,000 to carry out the purposes of this Order and that such sum shall not lapse but shall remain a continuing carrying account until the purposes of this Order have been accomplished.

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage and later today assigned.)

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

ORDERED, the Senate concurring, that in addition to free telephone service authorized for the remainder of the biennium following adjournment of the Legislature under Senate Paper 655, each member of the Senate and House of Representatives who represents a district large enough for inter-district toll calls shall be entitled to 20 additional calls of reasonable duration from any 2 points within his district. (H. P. 1617)

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I know this is an order out of order and I know the reason and his intents. His heart is in the right place, you might say, because in my district I have 14 towns and only one I can call without a toll call. But I believe that is one of the honors or glories, whatever you want to call it, in being a Representative, and I therefore move for indefinite postponement of this order.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore,

moves that this Order be indefinitely postponed.

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

Mr. VINCENT: Mr. Speaker and Ladies and Gentlemen: I would oppose the indefinite postponement of the order and would like to explain the order a little more clearly if I could.

First of all, the order in no way affects me, due to the fact that I live in a district which doesn't require any toll phone calls to be made. The present setup is that each member of both bodies is allotted 20 phone calls. Several of the members of the opposite body, as well as quite a few members in this body, have absolutely no toll calls within their districts. Quite a few of the House members have toll calls within their districts to make from one end of their House district to the other end, and I feel they are under an undue hardship which we members that live in non-toll call districts do not have.

Despite contrary opinions, the members of the other body have pretty much unlimited phone call service, unlike the House. And the reason for this is they keep tabs on theirs and we keep tabs on ours, and they are considerably more lenient at the other end.

I did this solely for the purpose of some of the members that have large rural districts. I think they are entitled to it and I would hope that you would go along with killing the indefinite postponement motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that this Order be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

40 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Thereupon the Joint Order received passage and was sent up for concurrence.

#### Non-Concurrent Matter

An Act Providing for a Change in Standard Deductions in Income

Tax Law (H. P. 1547) (L. D. 2003) which was passed to be enacted in the House on February 16 and passed to be engrossed on February 14.

Come from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. MORRELL: Mr. Speaker and Members of the House: It is late in the day and late in the ball game. I do think that this would have been a golden opportunity to take this corrective action, while we had the the money planned in surplus, and I think it was planned in surplus. It will be a long time, I think, before you will have an opportunity to correct this inequity in the Maine Income Tax Law because I think the pressures will be the other way in the future.

I think we could have done a great deal to enhance the credibility of this law as it acted upon Maine citizens and as it would have affected over 80 percent of those taxpayers. But at this time I feel that I have said and done all that I should to try and correct this situation. And I would leave it to others, hopefully, to make some sort of effort to perhaps keep it alive.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Cyr.

Mr. CYR: Mr. Speaker, I move we recede and concur with the Senate.

The SPEAKER: The gentleman from Madawaska, Mr. Cyr, moves the House recede and concur.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I wish to rise in opposition to the motion. If I understand it right, if we recede and concur, this bill is indefinitely postponed.

I think this bill was discussed quite lengthy here during the session, and I think that it is with great regrets that I see such a bill which is not my bill actually is heading down the drain, after so many pleas and so many people over here than we should give the

taxpayers a fair break. Also with so many pleas, that we should reform our state government, this was one good reform, it brought into line the estate tax in line with the federal tax.

Now all this would have done, actually, is to — well I wouldn't say all, actually they put a price tag on it and this is a good way to kill it. I have claimed before that \$2 million — they claim this would cost \$2 million — I claim they never had that \$2 million, so what you haven't got doesn't cost anything.

But actually this would have been a way to give the taxpayer relief, instead of taxing him to death like we have been through this session, through this needless session, and actually at the same time we have not only given them a hard time on not giving them relief on taxes, but we have imposed additional taxes on them, by giving ourselves a raise, which I have constantly in the last six years voted against, by adding a big bill of close to half a million dollars with this special session, which I don't think we could have done, waiting for the other session. But I think that all in all I am truly disgusted with the action of the other body because I have always felt that 151 members in this body should not be subjected to the decisions of the other body of 32 members. So I urge and hope that you vote against the motion to recede and concur, and if you do I think it would be proper to make a motion to ask for a Committee of Conference.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I have lost none of my enthusiasm for this bill. I think it is one of the best bills that we have before us in this session. We held it in leadership as we were considering the Appropriations Table for several days, hoping that somehow we could work it out so that we could make up for the loss of revenue which this bill represents. There was no dissent amongst leadership. There was unanimous

support for this and recognition of the need for it. We just couldn't arrange to accommodate the loss of revenue that was involved in the bill, and so very regretfully I would hope that you would support receding and concurring.

Mr. Cote of Lewiston requested a roll call vote.

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

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

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: It has recently come to my attention that under the Public and Special Laws of the State of Maine that there is over one hundred industries and persons in this state who are tax free by legislative action.

I didn't have the time to investigate who and what and why, but I promise to do so in the future. If they were removed from the tax exemptions they have been enjoying for years, we would have the money to do this one here today.

The SPEAKER: The pending question is on the motion of the gentleman from Madawaska, Mr. Cyr, that the House recede and concur. A roll call has been ordered. If you are in favor of receding and concurring you will vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Albert, Baker, Bartlett, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Bourgoin, Bragdon, Bunker, Carey, Carter, Churchill Clark, Conley, Curran, Cyr, Dam, Donaghy, Dyar, Evans, Farrington, Faucher, Finemore, Gill, Hall, Hancock, Hardy, Haskell, Hawkens, Hayes, Henley, Hodgdon, Immonen, Kelleher, Kelley, R. P.; Keyte, Kilroy, Lawry, Lebel, Lewin, Lewis, Lincoln,

Littlefield, Lizotte, Lund, Lynch, Mahany, Marstaller, Mosher, Murchison, Murray, Norris, Parks, Porter, Rand, Rollins, Ross, Santoro, Scott, Shaw, Sheltra, Shute, Simpson, L. E.; Simpson, T. R.; Susi, Theriault, Whitzell, Williams, Wood, M. W.; Woodbury.

**NAY** — Ault, Bailey, Barnes, Berube, Boudreau, Brown, Bustin, Call, Carrier, Clemente, Collins, Cooney, Cote, Cottrell, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dow, Doyle, Emery, D. F.; Emery, E. M.; Fraser, Gagnon, Genest, Good, Goodwin, Herrick, Hewes, Jutras, Kelley, P. S.; Lee, Lucas, MacLeod, Manchester, Martin, McCloskey, McCormick, Millett, Mills, Morrell, Orestis, Page, Payson, Rocheleau, Silverman, Slane, Smith, D. M.; Smith, E. H.; Trask, Vincent, Wheeler, White, Wight.

**ABSENT** — Bedard, Bernier, Brawn, Crosby, Drigotas, Dudley, Fecteau, Gauthier, Jalbert, Kelley, K. F.; Lessard, Maddox, Marsh, McKinnon, McNally, McTeague, O'Brien, Pontbriand, Pratt, Stilings, Tanguay, Tyndale, Webber, Whitson, Wood, M. E.

Yes, 72; No, 53; Absent, 25.

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

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

Bill, "An Act Creating the Maine Industrial Port Authority" (H. P. 1592) (L. D. 2050)

Pending — Motion of Mr. Kennedy of Milbridge to indefinitely postpone.

Thereupon, the pending motion prevailed.

Sent up for concurrence.

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

Bill, "An Act to Provide Funds to Assist County Attorneys in the Administration of the Court System" (H. P. 1613) (L. D. 2062)

Pending — Passage to be engrossed.

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

On motion of Mr. Porter of Lincoln,

Recessed until four o'clock in the afternoon.

**After Recess**  
**4:00 P. M.**

The House was called to order by the Speaker.

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

**Report of Committee  
Ought to Pass with  
Committee Amendment  
Amended in Senate**

Report of the Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 715) (L. D. 2004) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

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

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A", (S-391) was read by the Clerk.

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

Mr. **HEWES**: Mr. Speaker and Members of the House: I would like to briefly explain Committee Amendment "A", which is a 22-page document. I must state that there are some matters of substance in it, and hopefully they are innocuous, but I want to call them to your attention.

If you would please refer to S-391, the first amendment, which is at the bottom of page 1 and top of page 2, permits Auburn to be the site of the new district court that will be built in the Auburn-Brunswick area, and presently the court is in Lewiston.

The second matter, which is on page 2, permits retirement time for a person who is a law enforcement officer of the Department of Sea and Shore Fisheries or Inland Fisheries and Game to have the time he served in each considered as service in one organization so

that he will not lose the time that he served in one or the other.

Then over on page 3, depletion of funds, with a limit from \$1,500,000 to \$1 million, the minimum amount that the Maine Insurance Advisory Board shall have relating to insurance on state-owned property. This was set up in a recent legislature, and only a million dollars was set aside and actually at the present time I understand there is only \$1,570,000 in the fund, and there is a reserve of \$100,000 which leaves a net actually of \$1,470,000 for the time being. So as a practical matter it has to be lowered to a million.

Then the next item at the bottom of page three, which in the bill is section 17-B, this is an item that was screened out by the screening committee, it is not an emergency matter. It would allow security here in this area, here where the State Capitol is.

Then over on page 4, most of page 4 deals with snowmobiles in the winter or during the winter months. The present law is that no person shall operate a snowmobile under these conditions in the winter or during the winter months. The judges held that that meant only between December 21 and whenever spring starts, about March 22.

So if someone were picked up presently for say, violating this law on April 1 when there is snow on the ground, it was held this does not apply because of the reference to winter. So we are taking out the winter months, or in the winter, and anybody who does this when there is snow on the ground would be hence guilty of these violations.

On page 5, apparently hunting with bows and arrows was prohibited on Swan's Island during the regular session. This was not deleted in this particular section here. This is Title 12, section 2501, and that changes that.

Then down at the bottom of page five, that is the word debtor substituted for the word claimant, and that corrects a typographical error that was made when the law was passed in 1967, five years ago, and it apparently had not been picked up until this time.

On page six we get into divorce matters. The gentleman from Brunswick, Mr. McTeague, is very interested in this, trying to improve the divorce laws, and it makes mandatory that a judge will have to determine how property of a divorced couple will be apportioned. And that continues over onto page seven.

Skipping over to page nine, the Court reapportionment of the Senate ruling has apparently mandated the establishment of a voting place at Sinclair. Apparently in the past there was no voting — at the present time, in fact, there is no voting in that area, and so this will provide for the establishment of a voting place in Sinclair, as I understand it.

Proceeding along — if there are any questions I will try to answer them.

Then over on page 13, this apparently, presently all insurance companies have to file reports with the Insurance Department, the Insurance Commissioner, and this amendment will permit the Insurance Department to accept reports that are made by insurance companies in their home states; for instance the John Hancock and Mutual Insurance Company does quite a report which they file in Massachusetts, and this will permit the acceptance of the report that they filed down there without requiring another report filed up here relating to just Maine property.

I want to call your attention to page 15, please. It is section 89-C, and this relates to — two thirds of the way down the page — allows municipal officers to impose fees in CATV systems. This is a change in the ruling of the Supreme Court in 1967 in the case of City of Waterville versus Bartell Telephone TV Systems, 233 A2d 711, in which it was determined that when the law establishing CATV was set up in 1965 it was intended that revenue raising fees not be charged. This would change that.

I think that takes care of most of the controversial ones.

Now, I would like to make reference if I may, Mr. Speaker, to the Senate Amendment which —

The SPEAKER: The Chair would advise the gentleman that the only thing before the House is Committee Amendment "A".

Thereupon, Committee Amendment "A" was adopted.

Senate Amendment "A" (S-396) was read by the Clerk.

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

Mr. HEWES: Mr. Speaker and Members of the House: I would like to briefly explain Senate Amendment "A". The first two, which is under filing number S-396, on the first page, the first two items deal with the two departments that have not been reorganized in this special session. The first one does away with the Department of Human Services legislation that we passed in the regular session of the 105th session, and the second one does away with the legislation relating to the Department of Natural Resources.

The third item starts on page 1 and goes over onto page 2, is almost a reverse twist of the adult rights for 18-year-old bill, because this one increases from age 20 to age 21 the maximum age that a child may remain a state ward. That is the only change of that.

Then in the middle of page two is a matter that we have discussed, which is a matter of substance, I feel. We discussed it at this special session. It would prohibit the Director of the Liquor Commission from being a member of the Liquor Commission. And I want to call that to your attention.

Page three relates to the Departments of Natural Resources and Human Services, legislation that we enacted in the regular session.

Thereupon, Senate Amendment "A" was adopted in concurrence. Under suspension of the rules, the Bill was read the third time.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" and sent to the Senate.

From the Senate: The following Communication:

THE SENATE OF MAINE  
AUGUSTA, MAINE

March 9, 1972

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

The President appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Implementing the Reorganization of the Department of Human Services" (H. P. 1551) (L. D. 2012):

Senators:

JOHNSON of Somerset  
HARDING of Aroostook  
CONLEY of Cumberland

Respectfully

/s/ HARRY N. STARBRANCH  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill, "An Act Implementing the Reorganization of the Department of Human Services (H. P. 1551) (L. D. 2012) reporting that the House recede from its action whereby Report "A" reporting refer to 106th Legislature, Report "B" reporting a new draft (H. P. 1609) (L. D. 2060), Report "C" reporting a new draft (H. P. 1610) (L. D. 2061) and the Bill were indefinitely postponed; and refer all Reports and the Bill to the 106th Legislature; that the Senate recede and concur with the House. Signed:

DOYLE of Bangor  
WHITE of Guilford  
HODGDON of Kittery

Committee on part of House.  
JOHNSON of Somerset  
HARDING of Aroostook

—Committee on part of Senate.

On motion of Mr. Hodgdon of Kittery, the Report was read and accepted and sent up for concurrence.

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

HOUSE ORDER — re recalling from the Governor's Office to the



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

Pending — Passage.

Thereupon, Mr. Susi of Pittsfield withdrew the Joint Order.

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

HOUSE ORDER — re creation of a House Apportionment Commission (H. P. 1618)

Pending — Passage.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, I suspect that this order cannot do the job that we want to and whether we want to reapportion ourselves or when it is going to be done. And so with a great deal of reluctance I would move the indefinite postponement of the order.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, now moves the indefinite postponement of this Joint Order.

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

Mr. BIRT: Mr. Speaker and members of the House: I think this order follows a great deal along with an order that was introduced about six years ago. I fail to understand basically — I wonder if the gentleman from Eagle Lake might give us some ideas why he feels that way.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, 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: We, during the regular session, had a Reapportionment Committee that worked a great number of hours and spent a great deal of time, and we also spent a great deal of money. It would seem to me that if there is going to be a reapportionment study that it ought to be using that existing organization rather than creating

at this time another organization to study it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think that the legislature, in its wisdom, at any time it so desires may establish any form of a commission. I think this has been done over many years for many and various purposes.

Now I think that the apportionment problems that the Reapportionment Committee had during the last session was the fact that no preliminary work was done.

I took this order and copied it very much verbatim, outside of a little restructuring of the commission, from an order that was introduced in 1966 on the 9th day of February, and I am sure that the gentleman from Eagle Lake, if he searches his mind, can well remember what happened at that time when the then Majority Party in the legislature, and he was a member of it, introduced a bill to establish a commission. The bill passed the legislature but was vetoed by then Governor John Reed, and they immediately introduced an order.

I believe the content and direction of this order is right, and I think that for a bipartisan lay committee, which includes lay members, to present a plan to the next legislature and let them — let the next legislature consider when they will have to make sense. I would hope that this order will receive passage.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The good gentleman from East Millinocket, Mr. Birt, asked the good gentleman from Eagle Lake, Mr. Martin, to search his memory about the order that he said he practically copied verbatim from a bill that was presented that was vetoed by His Excellency, then Governor John Reed. I would like to ask him why Governor Reed vetoed the bill.

The SPEAKER: The gentleman from Lewiston poses a question through the Chair to the gentleman

from East Millinocket, Mr. Birt, who may answer if he chooses.

The Chair recognizes that gentleman.

**Mr. BIRT:** Mr. Speaker and Members of the House: I don't think that the gentleman from Lewiston, Mr. Jalbert, would like to have me read the veto message. I have it here. It is on the record and I am sure you wouldn't want me to read it.

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

**Mr. JALBERT:** Mr. Speaker and Members of the House: It is all right with me if he wants to read it. I asked him a fair question. If he doesn't want to answer it, if he doesn't want to read it, it is perfectly all right with me.

I would tell him, however, that as far as I am concerned, I have been around here enough semesters to know this — you can pass this order or any order you want to. I assure you that the next Speaker will appoint a Reapportionment Committee, as the gentleman from East Millinocket very well knows. Because I remember the same procedure was used the last time we reapportioned the House. If it goes all right it will become a bill, and if it doesn't, why it will wind up in the courts, just like happened just recently.

So I think this order is quite premature. I think it serves absolutely no purpose at all. It is just like me getting up now and asking you to give me an over extended raise in pay. What this is going to accomplish, I don't know, but I think I would have to concur with the gentleman from Eagle Lake, Mr. Martin, on his motion to suspend the order. And if the gentleman from East Millinocket wants to after we adjourn this afternoon or tomorrow morning, we can have breakfast and with the proper adjectives I will tell him why the Governor vetoed the bill — I am talking about Governor Reed.

The **SPEAKER:** The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that this Joint Order be indefinitely postponed. The Chair will order a vote. All in favor of

indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Joint Order received passage and was sent up for concurrence.

#### Order Out of Order Tabled and Assigned

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

**ORDERED,** the Senate concurring, that the the State Board of Education be directed to declare a moratorium on the construction of regional technical-vocational centers at the high school level until January 1, 1974 excepting the list of schools in House Paper 1447, as amended, and the following list of schools which are either operating centers or will be operating in the near future or are working on their final plans and are specifically authorized to continue: SAD 27 — Fort Kent.

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

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

**Mr. MARTIN:** Mr. Speaker, Ladies and Gentleman of the House: The order that the Clerk just read and the one that is on your desks is different. The reason for that is that the gentleman from Rockland and the gentleman from Brunswick approached me and said "We are in trouble." So I immediately at that point conferred with our Legislative Research agent, who at that point said we would have to rewrite it. If you will note, what the Clerk read, in effect, says that those schools that were exempted in House Paper 1447 at the regular session, with the amendment, takes care of the problem that they were referring to.

Now with reference to why this order, I would like to very briefly tell you about it. There is no attempt here for state funds whatsoever because there are none available. But there is a possibility

of using federal funds for the operation of a vocational operation at Fort Kent, and in order for us to get federal money, the moratorium must be lifted on us so that we can operate one.

I have checked this out with the Chairman of the Education Committee and with others and there is no problem. But I did want to make sure that you knew that the order which the Clerk read and the one that you presently have on your desks is slightly different.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker and Members of the House: I did confer with the gentleman from Eagle

Lake, and I have no doubt but what he is trying to do is proper. I would, however, like to see the wording in the proposed new draft of the order, and I would think if we are going to be back here tomorrow that it might be proper to table it until we can at least see what we are acting on.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending passage and tomorrow assigned.

---

(Off Record Remarks)

---

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.