

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 Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, March 13, 1973

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

Prayer by the Rev. Mr. John D. Pooler of Kennebunkport.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 441)

ORDERED, the House concurring, that notwithstanding Joint Rule 8, bills and resolves now in the office of the Director of Legislative Research shall be introduced in complete final form in the appropriate house not later than 5 p.m. on Wednesday, March 28, 1973.

Came from the Senate read and passed.

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Brooks, Mr. Wood, to the rostrum.

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

Bills and Resolve from the Senate requiring reference were disposed of in concurrence, with the following exception:

Tabled and Assigned

Bill "An Act Relating to County Estimates and Powers of the Legislative Delegation" (S. P. 416) (L. D. 1288)

Came from the Senate referred to the Committee on County Government.

In the House: On motion of Mr. Henley of Norway, tabled pending reference in concurrence and tomorrow assigned.

**Reports of Committees
Recommitted to Committee on
Health**

and Institutional Services

The Committee on Health and Institutional Services on Bill "An Act to Amend Definitions in Ambulance Service Licensing" (S. P. 170) (L. D. 425) reporting

"Ought to pass" as amended by Committee Amendment "A" (S-22).

Came from the Senate recommitted to the Committee on Health and Institutional Services.

In the House, the Bill was recommitted to the Committee on Health and Institutional Services in concurrence.

Leave to Withdraw

Report of the Committee on Labor on Bill "An Act Relating to Separation Reports under Employment Security Law" (S. P. 262) (L. D. 759)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills and Resolve were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Appropriations and Financial
Affairs**

Bill "An Act to Establish a State Housing Assistance Program" (H. P. 1133) (Presented by Mr. Smith of Dover-Foxcroft)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Revising the Itinerant Vendor Law" (H. P. 1139) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

County Government

Resolve Authorizing County Commissioners of Aroostook County to Extend Route 161 (H. P. 1129) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Establish a Cooperative Education Support Program" (H. P. 1101) (Presented by Mr. Ferris of Waterville)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Revising the Enforcement of Money Judgments Act" (H. P. 1126) (Presented by Mr. Perkins of South Portland)

Bill "An Act Relating to Support and Education of Persons 18 Years of Age and Older" (H. P. 1135) (Presented by Mr. McTeague of Brunswick)

Bill "An Act Repealing the Statute Authorizing a Civil Action for Alienation of Affections" (H. P. 1136) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Installation of Sprinkler Systems in Certain Buildings" (H. P. 1128) (Presented by Mr. Webber of Belfast)

Bill "An Act Relating to Elevator Mechanics" (H. P. 1134) (Presented by Mr. O'Brien of Portland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Providing for Marine Resource Education by Department of Sea and Shore Fisheries" (H. P. 1127) (Presented by Mr. Curtis of Orono)

The Committee on Reference of Bills suggested the Committee on Marine Resources.

(On motion of Mr. Tyndale of Kennebunkport, tabled pending reference and tomorrow assigned.)

Natural Resources

Bill "An Act to Transfer the Pesticides Control Board to the Department of Environmental Protection" (H. P. 1125) (Presented by Mrs. Clark of Freeport)

Bill "An Act to Enable Communities to Establish Multiple Community Solid Waste Districts" (H. P. 1138) (Presented by Mr. Susi of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Investments and Costs of Electrical Companies" (H. P. 1142) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Providing for Group Insurance for National Guardsmen Called up to State Active Duty" (H. P. 1131) (Presented by Mr. Curtis of Orono)

Bill "An Act to Make the Maine Human Rights Act Substantially Equivalent to Federal Statutes" (H. P. 1140) (Presented by Mr. Ross of Bath)

Bill "An Act to Create the Office of Ombudsman" (H. P. 1143) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Relating to Sales Tax on Farm Machinery and Equipment" (H. P. 1130) (Presented by Mr. Hoffses of Camden)

Bill "An Act Relating to Taxation of Insurance Premiums Paid by Political Subdivisions" (H. P. 1132) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Increasing Registration Fees for Trucks" (H. P. 1137) (Presented by Mr. LaCharite of Brunswick)

Bill "An Act Relating to Additional Roads on Indian Reservations at Pleasant Point and Indian Township" (Emergency) (H. P. 1141) (Presented by Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

Speaker HEWES: The Chair thanks the gentleman and commends him for a good job.

Thereupon, the Sergeant-at-Arms escorted Mr. Wood to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Orders

Mr. Dyar of Strong presented the following Joint Order and moved

its passage:

WHEREAS, the Department of Mental Health and Corrections has decided to close the Children's Psychiatric Hospital at Pineland Hospital and Training Center; and

WHEREAS, the care and treatment of between 60 and 70 severely emotionally disturbed or mentally ill children is in question as a result of the decision; and

WHEREAS, the child psychiatrist who was treating these children and now barred from the premises, publicly claims this change will result in an even poorer level of care; and

WHEREAS, there is serious question as to whether the department can provide alternative facilities which are acceptable for treatment of seriously emotionally disturbed children if this unit is phased out; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee of the Legislature on Health and Institutional Services be hereby authorized and directed to review all actions, policies and decisions of the Department of Mental Health and Corrections respecting the closing of the Children's Psychiatric Hospital at Pineland for the purpose of determining whether or not such action was necessary and desirable and to report the results of this investigation forthwith to the 106th Legislature at either the current or special legislative session; and be it further

ORDERED, that said Standing Committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order within the limits of funds provided herewith; and be it further

ORDERED, that there is allocated to said Standing Committee from the Legislative Account the sum of \$1,000 to carry out the purposes of this Order. (H. P. 1147)

The Joint Order was read and passed and sent up for concurrence.

On motion of Mr. Whitzell of Gardiner, it was

ORDERED, that Katrina Luken and Carrie Cayford of Gardiner be appointed Honorary Pages for today.

House Report of Committee Leave to Withdraw

Mr. Susi from the Committee on Taxation on Bill "An Act to Change the Standard Deduction of the State Income Tax Law" (H. P. 559) (L. D. 738) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Relating to Taxation of Farmland" (H. P. 773) (L. D. 1007)

Report was signed by the following members:

Messrs. COX of Penobscot
FORTIER of Oxford
— of the Senate.
Messrs. SUSI of Pittsfield
IMMONEN of West Paris
MORTON of Farmington
MERRILL
— of Bowdoinham
COTTRELL of Portland
DRIGOTAS of Auburn
DAM of Skowhegan
DOW of South Gardiner
— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.
Messrs. FINEMORE
— of Bridgewater
MAXWELL of Jay
— of the House.

Reports were read.

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

Mr. SUSI: Mr. Speaker, I move the adoption of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves the House accept the Majority "Ought not to pass" Report.

(On motion of Mr. Evans of Freedom, tabled pending the motion of Mr. Susi to accept the

Majority Report and specially assigned for Thursday, March 15.)

Divided Report

Majority Report of the Committee on County Government reporting "Ought to pass" on Bill "An Act Relating to Effective Date of Salary Increases of County Officers" (H. P. 210) (L. D. 283)

Report was signed by the following members:

Messrs. ROBERTS of York
PEABODY of Aroostook
CLIFFORD

— of Androscoggin
— of the Senate.

Messrs. FARRINGTON of China
DYAR of Strong
CHURCHILL of Orland
McMAHON of Kennebunk
SHELTRA of Biddeford
PONTBRIAND of Auburn
TANGUAY of Lewiston
DAM of Skowhegan

— of the House.

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

Report was signed by the following member:

Mr. WHITZELL of Gardiner
— of the House.

Reports were read.

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

Mr. DYAR: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves the acceptance of the Majority "Ought to pass" Report.

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

Mr. WHITZELL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call your attention to L. D. 283. It is my first term as a freshman legislator on the County Government Committee, but I find it kind of highly irregular to be asking for a raise after being elected to office to take place January 1 of the same year that you took office. In some cases, some of these people haven't even been sworn in and they will be receiving a raise. Now certainly, if it is true that the legislature will at least vote

a raise, it will not do it in the same year it is seated.

Everybody that runs for public office does so knowing full well that when they run for public office the salary has already been set. Now when I ran for office I realized that I was going to have to live somewhere within the means of \$2500 a year for my first year here. I am sure that the people that ran for those county offices, many of whom don't devote as much time as we here in the House devote to doing our legislative duty, yet they are asking us to consider it pass on this L. D. which would give them a raise effective January 1. Well, if the county government can have it and the county officials can have it, there is no reason why the legislative body shouldn't vote itself a raise this year, effective January 1 of 1973.

I would hope that you don't accept the "ought not to pass" report.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I can't help but agree with my friend, Mr. Whitzell. I was rather dismayed and surprised to see how this bill came out. In the earlier part, as soon as the bill was written up, I read it, went through it, and I suppose prematurely, made the decision that it would not pass. For the same exact reason that Mr. Whitzell has so ably stated, I feel that we are more or less discriminating in favor of county government on this. I don't see anything wrong with it continuing as it has been going, wherein the officials who run for office know that the first year, at least that they serve, they will be serving for the price which is quoted, that they may get a raise in the second year of their office and if they re-run for office they would get two years of that raise.

I don't see that it is really cheating those officials any. They just get it in two years, one in each biennium, that's all. I don't see there is any specific hardship. I suppose it is a little bit different,

but we cannot raise our pay for our current biennium. We run for office and we serve our entire term for the pay which is in effect at the time we take office. Nothing we can do will increase our pay during our term that we have run for. Wherein if this bill passes, the amount of lobbying and pressure which an elected official at the county level, through their various associations, can apply possibly a little bit of lobbying pressure so as to get raises for themselves retroactive, as Mr. Whitzell said, possibly to even before they are actually sworn in. I urge you to consider this carefully before you accept this "ought to pass" recommendation.

I realize, as probably does Mr. Whitzell, that we are perhaps barking up too big a tree. We cannot possibly overturn it. But I still believe that for some reason or other, either something I don't know about or some other particular cause, could have brought about nearly a unanimous report "ought to pass." But nevertheless, I would urge the members of this House to consider it very carefully before they accept the "ought to pass" motion on this bill.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 283 is a copy of the bill enacted by the 101st Legislature, now brought before you with strike outs which means repeals.

I am opposed to L. D. 283. I would like to tell you why and review without reference to any records some of the legislative actions pertaining to county government from the 101st Legislature to the present time.

First, I salute the gentleman from Strong, Mr. Dyar. Many of you will recall that Mr. Dyar was one of three on the Towns and County Committee, now called the Committee on County Government, representing Franklin County. You also know that three of a kind is hard to beat. It would seem that equitable proportional representation from the sixteen counties would be desirable.

In the past, the leadership of both parties has not held this committee in very high esteem. As long as we have county government, and this is questionable, this committee is important and should not be downgraded.

The members of the Committee on County Government are dedicated public servants whose integrities are unquestioned. They are pressured by members of the various delegations telling them what to do. Even the subcommittee of the Legislative Research Committee recommends this procedure and were profuse in their thanks for the cooperation of the county officials who testified. If the Legislative Research Committee is in existence two years hence, there are plans for further study of county government. There will be more and more biased testimony from county officials. I do not believe the legislature is about to give up its constitutional obligation to maintain the power of taxation.

When retroactive salary increases for county officers was first brought to my attention at the Penobscot County delegation meeting, it struck me as morally wrong. I haven't changed my mind. I still think it is morally wrong.

It was suggested to me that I go along with the delegation, because that was the way that it has always been done. During the debate in the committee it didn't take me long to realize that the members of the various delegations were playing politics — partisan politics — to the detriment of the taxpayers throughout the state, unmindful of their oath of office and showing a disregard for fiscal responsibility.

I have no quarrel with you as individuals, only the system under which you work. The legislature collectively has operated actually believing it to be the right thing to do, while I believe that it is wrong.

Although the Republicans of Penobscot County voted against me in the caucus and would not support me publicly, they did agree not to oppose me. As for the Androscoggin Democrats, it is

unheard of that a member of that party would propose such a thing. They just did not like me a little bit. I am glad to report that I am now on speaking terms with them.

I wanted some information on legislative procedure to enhance the possibility of passage of my bill. I asked the one who did know. My questions were formulated incorrectly and I got evasive answers. Finally I got what I wanted to know. When the bill was finally passed, the venerable clerk of the House at that time said to me, "You cost me \$400." That was when I first learned he was an official of Lincoln County.

Previous to the 101st Legislature, Washington County was on the verge of bankruptcy. The committee bailed them out.

While the legislators are playing politics and jockeying for position, especially those who live in the shire towns, the sheriffs are way far ahead of you. Look at the record. To name just two that come to mind: Kennebec and Somerset.

Now take Oxford County, L. D. 283 would give retroactive salary increases to the commissioners who proposed the plan which was unethical in its concept, supported by both Democrats and Republicans of the delegation. It was passed over my objections, and after squandering thousands of taxpayers' dollars, the act was repealed in the 104th Legislature.

Also in the 104th Legislature, an amendment was offered and accepted from Piscataquis County. It is my considered opinion that the House went along for no other reason than sympathy. That opened the door for a flood of amendments, all contrary to the majority report of the committee and two come to mind, York and Aroostook.

I cannot recall a single session that Cumberland County was not uptight about a fine gentleman by the name of Mr. Duffy.

There is a question of propriety concerning county attorneys, whether they should appear before State Government, County Government or Judiciary. It matters not. When the County Attorney from

Sagadahoc County appeared before State Government, keeping a straight face while requesting a 100 percent increase in salary, I made up my mind that he would make a very good elected full-time District Attorney; that he could command the respect due the office with a substantial increase in salary.

It has been stated that the battle over county budgets, which have to be approved by the Legislature, leave strong men weak. I would add to that, it also leaves weak men weaker.

The last few years, County Government has been criticized more and more. Only recently municipalities have begun to take an interest. To make their jobs more secure, some commissioners came up with the idea of surplus food distribution. This could be handled by the Health and Welfare Department and the municipalities if they so desired.

The Department of Transportation could easily absorb the cost of the so-called county bridges. The commissioners want to hold on to a small percentage to give some semblance of a necessity for their existence.

There is a vast difference between statutory officers and non-statutory county employees. Statutory officers are elected. No one twisted their arms and forced them to run for county office, they wanted the jobs. They knew full well the salaries and the duties of the office which they sought. As candidates, they campaigned to the best of their abilities and effectively so. Immediately upon taking office, they want an increase in pay and that increase to take place on the day that they assumed the duties of the office for which they campaigned. I believe this is wrong. I have never heard of a candidate campaigning for a larger salary before an election.

Mr. Speaker, I would ask for a roll call on the motion to accept the Majority Report.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: It is

not easy for me to disagree with a committee report that is as one sided as this one is. However, I have a very high regard for one man on a committee who will stand up for what he thinks is right. And I cannot help but concur with the gentleman from Gardiner in this instance. I believe he is right and he had the courage to stand up to his conviction and I respect him for it.

Since the debate was started on this bill, we have hastily caucused the members of the Aroostook delegation. We haven't had time to contact them all, but I can safely say that generally speaking they are opposed to the majority report of this committee. I hope the House sees fit to go along with the minority report.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think there needs to be some clarification on some of the statements made here this morning. This legislation would put the county salaries back where they belong. At the present time — we will use a sheriff for an example — his pay increase comes in the second year. We have sheriffs, registrars of deeds, registrars of probates at the present time in this state on the odd year who are making less in salary than their deputies.

Under the Phase I and II proposed by the federal government, we are presently planning to work on a 5½ percent cost of living increase for county employees.

Now those who have spoken this morning seem to be real dedicated to one of two purposes, either they are for county government or they are trying to kill it underhanded. I believe that county government still has a function, and to function properly you must have qualified people running county government. When the day comes that the sheriff's department, for example — or we have just passed legislation giving sheriff's deputies \$21 a day, these same men can go on municipal forces and make up to twice the money; and yet, we expect law enforcement at county level to be on the same level as

municipal law enforcement and enforcement with the state police.

If the bill that Mr. Crommett has referred to this morning, the bill he passed either in the 101st or the 102nd had never been passed, I think we would not be in a position we are in this morning, that we could give them small functional increases each year to people in county government and not have to have massive increases on the second year.

Now to those of you who have never worked on county budgets, you will be amazed at some of the increases requested. There has been some doubt on the integrity of the Committee on County Government this morning. I think you will find that when we find excessive pay increases, they are cut back, even though county delegations may be in favor of these increases.

At the present time, it has been stated a person runs for county office, they know what the salary is and they should live by it. But those of you who would take the time, go to your county records, your county budget and find out what you are paying your county sheriff, what you are paying your registrar of deeds, your registrar of probate, your probate judge and the people in county government, I think in many cases you would be ashamed.

Now when I can pick up, for example, a community action payroll and find that the person in charge of family planning is making \$700 a year more than my county sheriff, there is a secretary to the director of the community action program that is making \$1700 a year more than my registrar of probate and registrar of deeds, it makes you wonder.

This morning if you really want to undermine and kill county government in its entirety, I would urge you to vote for the minority report. If you are interested in county government and you want to see county government continue, see qualified people in county government who are not taking graft under the table, you can vote for the majority "ought to pass" report.

There has been defense this morning of the minority signer. I

bring to your attention, if you have followed the Kennebec Journal and the local press here in the state, that this person has attacked people in county government at his own level. I certainly hope that nobody on the County Government Committee is using their position to get back at county officials. If this is true, I would be very sorry, I hope this morning that you will consider what is going on in your counties, recognize your people that you have elected to serve in county offices as dedicated citizens, that if you haven't checked on the pay, I would suggest you do it.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I would like to back up what Mr. Dyar said. I was a signer of the majority report on this bill and I would point out to the members of the House that we are talking about not particular amounts of pay but rather when their pay will become effective.

There are two basic arguments that were proposed at the committee hearing. Mr. Dyar has touched generally on both of them, and I will repeat them briefly to underscore what he said.

The major argument advanced was that the constitutional officials could not get their increases until the second year, which often resulted in their deputies being paid more than them, particularly in the first year.

Now this argument in itself might not have sold the committee, might not have sold me, but a second argument became involved in it that did convince me on this and that is the present phase three program, as the committee understands it, requires that the 5.5 percent guidelines that were in operation under Phase II, even though they are voluntary now in most instances, it requires that those guidelines still be followed. And furthermore, it requires that the 5.5 increase be granted each year. In other words, we could not grant the constitutional county officers an 11 percent increase the second year, we have to grant

them the increase each year. Those are the two basic reasons the County Government Committee reported out this bill in the way that it did.

We listened very intently to the arguments advanced at the committee hearing and again today on the floor by Representative Henley and others about a person running for office and knowing what the office pays and so on when he runs. We recognize that those are valid arguments and we certainly don't put them down at all. However, I would submit to you that there may be more reforms, more changes coming in the county government area; and this particular bill wouldn't affect those at all one way or another, it would just require that the pay be granted the first year as well as the second.

I hope you support the majority report.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: As one of the signers of the majority "ought to pass" report on this L.D., one of the chief objections which has been just brought out by Mr. McMahon, is due to the Stabilization Board. And due to this, we felt that they should have this increase retroactive. At the time this bill was originally passed by 101st Legislature, this Stabilization Board wasn't known of, at the time. And not only that, but at the present time, there are many deputies, deputy clerks, probate, and deeds and so forth, throughout the county court houses that are receiving larger pay or equal pay as the statutory officers due to the fact that they receive their pay retroactive to January 1.

It seemed only fair to us that the rest of the officers receive an increase the same year. And under the present circumstances, if possible, this 5.5 percent each year, this seemed like a very reasonable request that they had made at this time.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: It has been stated by my friend from Strong that if we oppose this, we are destroying county government. Of course, I know that there are or have been at least, people in this Legislature that would like to see that done. I say right here, that if we do not reorganize and straighten out a little bit of the problems in county government, one of two things is going to happen. They are either going to get out of hand completely, which they nearly are now, or else they are going to turn to districts completely controlled by the state or else we have got to build a county government which has got some common sense in it.

I don't know how many of you are aware, probably the most of you are, if you stop to think that county government has grown like a weed. County government is not a part of our statutes. It is not a part of our constitution. It is a stopgap. We here in the legislature have never really organized and established county government as it should be as a medium extension of state government. It has grown, and it has grown to a point where it is almost beyond control.

It has been said that we should not have deputies getting more money than the principal. What about our Governor? He has got all kinds of deputies that work for him that get a lot more pay than he gets. I feel, and might mention, that he should get more pay, to be sure. But he has got a lot of his deputies and commissioners that get a lot more, nearly twice the pay, he gets. The registrar of probate, in most cases, is on the job most of the time. There are cases where he gets more than the judge of probate. Why should he not? A good many times the judge of probate doesn't put in a third of the time that the registrar does. Deputy treasurers getting more than the treasurer themselves, why should they not when they do all the work? In a good many cases, they do practically all of the work. I know of treasurers of counties that hold down other jobs; and they do go and sign checks now

and then, but most of the work is done by a deputy.

I have got a clipping here. In spite of the 5 per cent maximum on increases, you can't blame people and counties for attempting. Here is a county that has asked for salary increase, registrar of probate of over \$2,000 a year, the increase; from \$8,400 to \$10,500. There seems to be a game going on lately amongst counties in the last few years, who can grab the most money? I don't know what the idea is, probably before the legislature steps on them. And, as I say, if we don't do something about it pretty soon, they will be the boss. We will be working for the counties.

We have county commissioner salaries all the way from a low of perhaps \$1,500 or \$1,800 a year, which I suppose is terrible, considering that in those counties they meet once a month. I submit that that is a lot more pay than we get. Someone might say why didn't you run for county commissioner? I don't know. Possibly I would have, if I had thought of it at the time. They are certainly better paid than we are. We have county commissioners that are, I would say, all the way from \$1,500 a year up to \$7,000 or \$8,000 a year.

I grant that in some counties the county commissioners have to work sometime nearly full time. I don't think all of them have to work full time. This judge of probate in this county that wanted to go from \$10,800 to \$12,000 a year. A pretty good job, considering that most probate judges — it's not a full-time job for them. It may be in a few counties. I perhaps have made quite a study of county government because I have got a bill, which if we ever get it shaped up, get the corners ground off it, will hit the floor of the House. And believe it or not, it is a bill to save county government.

I think a lot of you have read the handwriting on the wall. As I have stated before, we have got to do something about it. The only office in our constitution now is the sheriff's. A few of them are statutory and a lot of them just grew. There is not a place in our

constitution or our statutes that establishes county commissioners, for instance. They are just a hold-over from long before Maine was a state. The same applies to some of the other offices. A lot of those jobs, in the first place, were more figurehead than anything else. They were actually without pay. They had been built in the bureaus. And there are counties, actually, where some of those jobs — it might amaze you, that how little actual work those people have to do.

I did not intend to get into this rigamarole on county government; but it was thrown at us; and if opposing this bill is tearing down county government, why then I suppose I am for it. I say that it isn't tearing down county government. We have got along on this theory of paying for the second year, raises and so on, for quite a few years and I do not believe that the poor, underpaid people, the county government, are going to suffer if they have got to wait for the second year of the biennium to get their increases.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I am opposed to the majority "ought to pass" report. I think it is the wrong approach. We are attempting to rectify a situation in some counties of the state for a problem that goes back where they did not establish realistic county salary schedules. And I think making this retroactive, affecting all counties to correct the problem in some counties is entirely wrong.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Cumberland County Steering Committee that has spent some time on this question of salaries for county officials, I am going to have to vote against the majority committee report.

The testimony given to us by county officials was with the clear

understanding that these increases would take place in the second year. There was nothing to the effect that they should be made retroactive. And for whatever value there is to our work, it would all go into a "cocked hat" if this committee report is adopted.

So I thank Mr. Whitzell for the opportunity to eventually hopefully vote for the disposition of this bill.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: I do not think anybody in here is more interested in county government than I am. But I cannot see offering our elected officials guaranteed raises before they are elected. We don't have any trouble getting candidates in this county, getting good candidates, and I think that they can serve one year with the pay that they know they are going to get when they come in before we give them a raise. I move for an indefinite postponement of this bill and all its accompanying papers.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: I heartily agree with Mr. Shaw in regard to that motion. One of the reasons why I agree with him is the fact that I doubt if any member of this legislature, whatever delegation he belongs to, will admit that his community or her community is faced with a heavy county tax. And they would like to see something done in order to hold it down.

By accepting this bill this morning, it would throw some of these towns out of gear because they had not appropriated money to meet that extra cost. And I think that we should look a little forward to try to hold costs down at the present time. They are doing it in Washington. Why don't we do it here in Maine?

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the

House: I agree wholeheartedly with what Mr. Bragdon from Perham said a few minutes ago. I believe our county delegation is a majority in favor of indefinite postponement of this bill. In answer to one thing Mr. Dyar said in regard to salaries, I do not believe too much about the county commissioners and the other salaries in our county. A treasurer who writes a few checks gets \$3,500 and is asking for \$4,500. And also the county commissioners who has eighteen meetings a year, gets \$1,800 and is asking for \$2,200 plus. That gives them \$75 a day, and I don't think anyone is underpaid who is getting \$75 a day for one meeting, twice a month, 24 meetings a year. And I hope that you people go along this morning with the indefinite postponement of this bill.

Mr. Crommett of Millinocket requested a roll call vote.

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

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I am sure that the next time I visit my county courthouse I am going to be very unpopular; and I am sure that I won't be greeted with open arms, but I rise to oppose this measure. We meet every year with our county officials, agree on a budget in good faith. Then we get up here and find this type of bill confronting us. I am sure that any additional money that we might vote this morning is going to be handed right down to our towns and after all, who is going to pay the final bill. We, as taxpayers, are going to be confronted with this. I rise to support the measure — this amendment.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to rise to support the majority committee report this morning. The committee met, they heard the testimony, and I submit that they are responsible members of this legislature. I don't believe they are necessarily subject to pressure, the kind that has

been implied here this morning. I don't believe they are morally wrong.

Now, let's get at the practical aspects of this, ladies and gentlemen of the House. These budgets that we are talking about are discussed prior to the beginning of the legislative year, January 1, 2, or 3. These budgets are pretty much firmed up at the county level before that time. They are then submitted to the legislature, which is responsible for actually approving these salaries. Let's not forget that. This is the body who has the responsibility. If you are not happy with the size of county salaries, blame yourselves. Don't blame the county officials.

Now when these people run for election, to be sure they know what the current salary rate is. I would submit that they are elected prior to the time these discussions take place, and they may or may not participate in them. If they are holdovers, they do. If they are new people, they don't. But I think the important thing to remember here is this legislature approves salaries and there is no conflict of interest amongst the people who are going to be the recipients of this. Surely you are aware of the rule that we cannot increase our own salaries. I think that is very legitimate. But these people are working for you. These people are working at the county level and you set the figures. I submit that they are hired hands. They do not set their own salaries; and therefore, there is no conflict of interest.

Now, let's get a little more practical. What business could operate the way we expect the counties to operate? What business could talk to its people about raises or about salaries at any level and then tell them, well we will talk about it now. We will approve it now in January, February or March but you aren't going to be able to get it until next December. It is just not the way you run a modern business.

Now I am not up here to defend county government. I reserve the right to take any action I see fit in the future on any bills that come up before county government, but this bill has nothing to do with

the amount of salaries. It has nothing to do with whether you approve or don't approve of county government. We have an ongoing county government right now. You have got people working; and it is unrealistic to put somebody to work and then not give them the pay you expect them to have and want them to have for a full year, particularly when you allow the people who are not statutory under them to have raises in the normal course of business.

So I submit to you that this is reasonable, this is sensible. This is modern thinking, and I hope you will defeat the motion to indefinitely postpone.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: I am very happy to have heard those remarks because what the gentleman is actually saying is, let's give the man a pay raise before he even goes to work. Now, there are not many employers who would take on his hired hand and say to the man that after I hire you, you are guaranteed a \$1,000 raise because we are going to go to your boss who is my supervisor and get you the \$1,000 raise. Nobody would make a promise like that to someone who he hasn't even seen perform. And yet, that is what we are asked to do. We are asked to give the man a raise before he actually performs the duties of the office that he holds. Now, to me that seems rather ridiculous, the horse before the cart.

I would like to respond to a comment one of my committee colleagues, Representative Dyar, from Strong. I am not using — and I would assure him that I am not using the County Government Committee as a place to football any political ambitions that I may have nor to chastise any county officials that I may not agree with. I have already passed favorably, and I have voted favorably on some salary increases in certain instances.

I have found that the Kennebec County commissioners, for instance, who draw a salary of

\$2,500, which is what we are going to draw this year, they will put in approximately two meetings a month. That is the first and third Tuesday of this month. They will meet for approximately three hours, nine until noontime. During those three hours — or if you want to look at it over the long view, that is six hours a month and 72 hours a year — they have earned the equivalent of what every one of us earns here. Now, if there is an inequity in pay between what our county commissioners do and what you, the legislators, do, then it certainly exists in Kennebec County. I, for one, and many of you spend as many as 72 hours a week and working at the duties that this office requires.

The sheriff's bill was in earlier during the session which asked for \$21 a day for deputy sheriffs which was an increase from \$18 and 30 cents a mile from his home to the place where he performs his duties. Now, I think that that bill was withdrawn; and I will mention that now before it is challenged, but the fact is that the bills are not made up by the legislators who usually bring them in but usually by some county official who approaches the legislator and asks them to bring before the legislative committee their requests for salary and benefits.

The federal wage and price guidelines are setting salaries at about a 5.5 increase; and I am in favor of these price guidelines, especially in the area of wages. I will support salary bills from county officials who are asking for a reasonable amount of money, and I will support most of these bills. I agree with Mr. Lewis of Bristol. I am not a very popular personality over at the Kennebec County courthouse either. I could be a lot more popular possibly by voting favorably in favor of this type of legislation but I am just completely opposed to it. I can't say I am badgered by the committee, but I think we all serve on committees and nobody likes to be the holdout. Well, I don't enjoy being the holdout either but you have to compromise somewhere; and if you're going to compromise,

why compromise your principles and your beliefs. I hope you will support the indefinite postponement of this bill.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: Maybe I should rise here and say I agree with Mr. Whitzell because I had a little difference with the county commissioners back in my county. But I do not agree with Mr. Whitzell, no more than I agree with Mr. Whitzell when he said it was ridiculous to him to put the horse before the cart, because I have always seen the horse pulling the cart and not pushing it.

Now, in my county — and I am not standing here playing party politics, because in my county two of the commissioners are Republican and one is of my party, a Democrat. We have had our differences in my county. I have had differences with the commissioners. Just as recently as a couple or three weeks ago they came to Augusta and we ironed out our problems. They were not problems over exorbitant pay raises or salaries. It was only a matter of procedural difference.

I do not think that my county — I know my County, and I do not think many of the other counties are using this office to build up a high salary for themselves. I sat on the County Government Committee. I signed with the majority report and we heard a lot of testimony on that. That was one of the days that I could happen to be there because on Tuesday I have two committees and one meets a half hour before the other and they interlock between the two so I have to make a choice. But we were told that the pay raises would be held down to the federal level of 5.5. Now, if you do this, you are breaking it right in half for the two years. You are giving them about a 2½ percent raise each year, and it surprises me that any member can stand on this floor that is in a profession where they have guaranteed increments plus raises every year and fight against a county employee making enough

money — they are not, really they are not, making enough to get by — but to fight just to give them a little more money so that they could live just maybe a little better and become a little more human. And this utterly amazes me when someone in a profession that gets this guaranteed increment and guaranteed raise can fight against the county official that wants just a little.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I would like to just remind you, we have heard an awful lot of comments about what such and such a commissioner is asking for and what such and such a Registrar of Deeds and such and such a county wants. That is not the subject of this bill. This bill talks about the method of paying salary increases.

Now the County Government Committee has not reported out nor, I am sure, will it report out any salary bills for a while; certainly not until it can determine what an equitable increase would be.

Now on the point that Mr. Whitzell raised — both he and I are teachers so I suspect that he will tolerate my saying this — the point that he raised about the impropriety of raising the fee for these offices before a person runs for them, well I submit there is no way of putting a merit system in on these county offices. You are raising the office and you are hoping that qualified people will run for the office. I would submit to Mr. Whitzell that teachers are given contracts and not necessarily on the basis of merit but on the basis of what they negotiate.

One other point, this legislature, I presume, will be considering a salary increase for itself; that is for the next legislature; and I am glad that this is going to be a roll call vote, because I hope that everybody who votes against this bill — which will restrict statutory county officials to a 5½ percent increase for the biennium — I hope that everybody will also vote against any increase for them-

selves in the next legislature, and I am glad that will be a matter of record.

The SPEAKER: The Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: My good friend Leon Crommett, who I served with on the County Government Committee, and at that time I voted with him regarding his bill taking away retroactive pay.

Just the previous speaker made one point that I wanted to make. We will have ample time in the future to discuss the disposition or any transition in county government; but this morning we are talking about a budgetary method that we felt in committee under the 5.5 guideline; and we should at this time, in order that these employees of county government would have to wait an undue length of time to get what is due them, we should indeed make their pay retroactive.

Now, of course, the tenure of office of many county officials runs from four to six years. In the case of the commissioners, their term is for six years. So the fact of the matter is, if you want to say people vote in their own salaries, they indeed do. They come every two years, they are allowed to come every two years, have a bill considered for an increase in salary. The inconsistency is that those who serve for two years, you make them wait. They indeed cannot, under the present law, have any increase in salary. So this area alone is something for you to consider.

I don't feel that strongly about this particular matter, except we are confronted under the federal guidelines as a budgetary problem, and I can assure you that we have very fine people on the County Government Committee. They have compassion for those who feel that this bill should not pass. However, if you will only come down and listen to the testimony, and you are invited to come to any of the executive sessions that we have if you are interested in these matters, and we would be happy to tell you our views.

I do hope that you don't go along with the motion to indefinitely postpone and I ask for a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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: The pending question is on the motion of the gentleman from Chelsea, Mr. Shaw, that both Report and Bill "An Act Relating to Effective Date of Salary Increases of County Officers" House Paper 210, L. D. 283, be indefinitely postponed. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Cameron, Carey, Carrier, Carter, Chick, Clark, Connolly, Cressey, Crommett, Davis, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Farnham, Fine-more, Flynn, Garsoe, Gauthier, Good, Goodwin, H.; Hancock, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, Maddox, Maxwell, McHenry, McTeague, Merrill, Morin, V.; Murchison, Palmer, Parks, Perkins, Peterson, Pratt, Rollins, Santoro, Shaw, Silverman, Simpson, L. E.; Smith, S.; Snowe, Stillings, Talbot, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard.

NAY — Berry, G. W.; Berry, P. P.; Berube, Bunker, Bustin, Chonko, Churchill, Conley, Cote, Curran, Curtis, T. S., Jr.; Dam, Deshaies, Dyar, Evans, Farley, Farrington, Fecteau, Ferris, Fraser, Gahagan, Genest, Goodwin, K.; Greenlaw, Hamblen, Herrick, Hobbins, Jacques, Jalbert, Kelleher, MacLeod, Mahany, Martin,

McCormick, McKernan, McMahon, Mills, Morin, L.; Morton, Mulkern Murray Najarian, Norris, O'Brien, Pontbriand, Ricker, Rolde, Ross, Shute, Smith, D. M.; Susi, Tanguay, Theriault, Tierney, Wood, M. E.

ABSENT — Cooney, Cottrell, Faucher, Hodgdon, McNally, Sheltra, Soulas, Sproul.

Yes, 86; No, 55; Absent, 9.

The **SPEAKER**: Eighty-six having voted in the affirmative and fifty-five in the negative, with nine being absent, the motion to indefinitely postpone does prevail.

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

Mr. **WHITZELL**: Mr. Speaker, I move we reconsider our action and hope that everybody votes against me.

The **SPEAKER**: The gentleman from Gardiner, Mr. Whitzell, moves that the House reconsider its action. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent to the Senate.

Orders Out of Order

Mr. Hobbins of Saco presented the following Order and moved its passage:

ORDERED, that Gisele Poirier and Susan Whittier of Saco be appointed Honorary Pages for today.

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

Mrs. Lewis of Auburn presented the following Order and moved its passage:

ORDERED, that Wendy Wilding, Debby Ouellette, Chris Matthews and Tim Ames of Auburn be appointed Honorary Pages for today.

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

Mrs. Morin of Old Orchard Beach presented the following Order and moved its passage:

ORDERED, that Linda Maloy and Reinette Belair of Old Orchard Beach be appointed Honorary Pages for today.

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

Consent Calendar

First Day

(H. P. 15) (L. D. 15) Bill "An Act Relating to Due Date for Payment of Inheritance Taxes" — Committee on Taxation reporting "Ought to pass" in New Draft (H. P. 1144) (L. D. 1337)

No objection having been noted, was assigned to the Consent Calendar's Second Day list.

Tabled and Assigned

(H. P. 55) (L. D. 65) Bill "An Act Creating Aroostook County Commissioner Districts" — Committee on County Government reporting "Ought to pass."

On the request of Mr. Martin of Eagle Lake, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Thursday, March 15.)

(H. P. 147) (L. D. 180) Bill "An Act Relating to the Taking of Alewives in the Salmon Falls and Great Works River, York County" — Committee on Marine Resources reporting "Ought to pass" as amended by Committee Amendment "A" (H-86)

(H. P. 89) (L. D. 109) Bill "An Act Creating Sagadahoc County Commissioner Districts" — Committee on County Government reporting Ought to Pass as amended by Committee Amendment "A" (H-88)

(H. P. 297) (L. D. 399) Bill "An Act to Increase Fees of Deputy Sheriffs" — Committee on County Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-87)

(H. P. 638) (L. D. 853) Bill "An Act Providing Fire Protection, Dump Services and Cemetery Maintenance in Certain Unorganized Territory of Piscataquis County" — Committee on County Government reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

Tabled and Assigned

(H. P. 655) (L. D. 869) Bill "An Act Providing for a Change in Standard Deductions in Income Tax Law" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-85)

On the request of Mr. Farnham of Hampden, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Thursday, March 15.)

(H. P. 722) (L. D. 928) Resolve Appropriating Funds to Prevent Sawdust Pollution at South Branch Lake and Saponac Pond in Penobscot County — Committee on Natural Resources reporting "Ought to pass"

(S. P. 297) (L. D. 947) Resolve Relating to Funds Appropriated for Use by the Research Institute of the Gulf of Maine (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

**Consent Calendar
Second Day**

Tabled and Assigned

(H. P. 165) (L. D. 207) Bill "An Act Relating to Costs of Administration of Food Stamp Program"

On the request of Mr. Farnham of Hampden, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.)

(S. P. 97) (L. D. 300) Bill "An Act Relating to Compensation and Expenses of the State Board of Hairdressers"

(H. P. 340) (L. D. 455) Bill "An Act Reducing the Amount of Bonds Authorized for Student Housing"

(H. P. 342) (L. D. 457) Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration, and the State

Liquor Commission for the Fiscal Years Ending June 30, 1974 and June 30, 1975" (Emergency)

(H. P. 343) (L. D. 458) Bill "An Act Reducing the Amount of Bonds Authorized for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for Fiscal Year Ending June 30, 1964"

(H. P. 361) (L. D. 476) Bill "An Act Relating to Custodian for Beneficiary under Uniform Gifts to Minors Act"

(H. P. 393) (L. D. 522) Resolve Providing for Purchase of Copies of History of Livermore

(S. P. 207) (L. D. 551) Bill "An Act to Revise the Maine Municipal Bond Bank Act" (Emergency)

(H. P. 430) (L. D. 579) Bill "An Act Including Representative of a Council of Governments under State Retirement System"

(H. P. 443) (L. D. 592) Resolve to Reimburse the Town of Scarborough for Damage to Property by Escapees from the Boys Training Center

(H. P. 491) (L. D. 645) Bill "An Act Repealing the Law Requiring Municipalities to Remove Worthless Trees within the Limits of Ways and Streets"

(S. P. 252) (L. D. 703) Bill "An Act Relating to Creditable Service under State Retirement Law for Certain Teachers"

(H. P. 555) (L. D. 735) Bill "An Act Relating to Jurisdiction of County Enforcement Officers in Fresh Pursuit"

(H. P. 640) (L. D. 856) Resolve Providing Funds for the Purchase of Copies of the "History of Winthrop, Evolution of a Maine Community"

(H. P. 673) (L. D. 880) Bill "An Act Relating to Change of Name and Shareholders of the Federal Employees' Credit Union of Maine"

(H. P. 702) (L. D. 907) Bill "An Act to Clarify the Law Relating to Fishery Inspection"

(H. P. 703) (L. D. 908) Bill "An Act to Clarify the Law on Handling of Polluted Shellfish" (Emergency)

(H. P. 1122) (L. D. 1283) Bill "An Act Relating to Use of Motor Vehicles on Frozen Surfaces on Part of Sasanoa River"

No objection having been noted, were passed to be engrossed and sent to the Senate.

Passed to Be Engrossed

Bill "An Act to Permit Municipalities to Collect a Fee for Lodging House Licenses" (S. P. 132) (L. D. 344)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Second Reader

Tabled and Assigned

Bill "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse without Parental Consent" (H. P. 163) (L. D. 229)

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

Mr. Carter of Winslow offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-90) was read by the Clerk.

Mr. Silverman of Calais requested a vote.

(On motion of Mr. Simpson of Standish, tabled pending the adoption of House Amendment "A" and specially assigned for Thursday, March 15.)

Bill "An Act Relating to Risk Sharing Plans in the Field of Property Insurance" (H. P. 189) (L. D. 229)

Bill "An Act Relating to Permits to Practice Hairdressing and Beauty Culture" (H. P. 312) (L. D. 414)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act Relating to Equine Infectious Anemia (Swamp Fever) in Equidae (H. P. 333) (L. D. 451)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members

elected to the House being necessary, a total was taken. 115 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Name of Maine Oil Heating and Equipment Dealers Association (S. P. 263) (L. D. 760)

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

Passed to Be Enacted

An Act Relating to Publishing Rules and Regulations of the Parks and Recreation Department (S. P. 55) (L. D. 139) (C. "A" - S-20)

An Act Providing for Deputy Clerks of the District Court (S. P. 64) (L. D. 167) (C. "A" - S-19)

An Act Providing that the Running of Statutory Time Periods be Governed by the Maine Rules of Civil Procedure and the Maine Rules of Criminal Procedure (S. P. 95) (L. D. 241) (C. "A" - S-21)

An Act Relating to Penalty for Failure to Stop Vehicles on Signal of Officer Enforcing Fish and Game Laws (H. P. 225) (L. D. 298)

An Act Relating to Suspensions under the Motor Vehicle Laws (H. P. 310) (L. D. 412)

An Act Relating to Reservation of Same Motor Vehicle Registration Number (H. P. 325) (L. D. 443)

An Act Relating to Permits for State Entry of Animals and Birds (H. P. 331) (L. D. 449)

An Act Providing Funds for Purchase of Electronic Milk Testing Equipment (H. P. 334) (L. D. 452)

An Act to Prohibit Contraband in County Jails (H. P. 401) (L. D. 530)

An Act Relating to Permits to Engage in Business of Propagating Wild Animals or Wild Rabbits (H. P. 436) (L. D. 585)

An Act Creating the Rangeley Plantation Sanctuary (H. P. 449) (L. D. 598)

An Act Relating to Lights on Volunteer Emergency Rescue Squad or Ambulance Service Vehicles (H. P. 459) (L. D. 608)

An Act to Revise Laws Relating to Dance Hall Licensing (H. P. 487) (L. D. 641)

An Act to Revise the Maine Passenger Tramway Safety Board Law (H. P. 490) (L. D. 644)

An Act to Clarify the Law Relating to Motor Vehicle Air Pollution Control System (H. P. 546) (L. D. 727)

An Act Relating to Removal or Destruction of Landmark Boundaries by State Departments (H. P. 966) (L. D. 1151)

Finally Passed

Resolve to Reimburse Albert S. Herrick of Ellsworth for Boarding Stray Dogs (S. P. 111) (L. D. 256)

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

Orders of the Day

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

Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions" (H. P. 299) (L. D. 401)

Tabled — March 8, by Mr. Birt of East Millinocket.

Pending — Motion of Mr. Binnette of Old Town to indefinitely postpone Bill and all accompanying papers.

On motion of Mr. Birt of East Millinocket, retabled pending the motion of Mr. Binnette of Old Town to indefinitely postpone and specially assigned for Thursday, March 15.

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

Bill "An Act Placing the Board of Veterinary Examiners within the Department of Agriculture" (H. P. 253) (L. D. 334)

Tabled — March 12, by Mr. Martin of Eagle Lake.

Pending — Further consideration.

On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

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

Bill "An Act Relating to Real Estate Brokers' Trust Accounts" (H. P. 372) (L. D. 501)

Tabled — March 12, by Mr. Simpson of Standish.

Pending — Further consideration.

On motion of Mrs. Kilroy of Portland, the House voted to insist and ask for a Committee of Conference.

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

Bill "An Act to Permit Furloughs to Inmates or Prisoners from County Jails" (H. P. 562) (L. D. 741)

Tabled — March 12, by Mr. Carrier of Westbrook.

Pending — Motion of Mrs. Baker of Orrington to accept Majority Report "Ought to pass."

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

Mr. CARRIER: Mr. Speaker and Members of the House: This L. D. 741 which we face this morning is a start that we are embarking into an area of concern to many people who still believe that the law should be upheld and the ones who break the laws should be punished. This is a longstanding procedure and probably it is deterrent for future crimes.

You should notice — you must notice that this is the first in a series of bills which will face this session involving prison reform, so-called prison reform. The promoters of this bill actually believe that we should probably be more lenient on these so-called criminals. For the record, and let's go on to say, that one who has committed a crime, whether a misdemeanor or a felony, is considered a criminal, regardless of the length of the sentence and regardless whether he is put in

the county jail or in state prison he is still under the law considered a criminal.

Modern penologists, especially some of those in charge of our institutions, share the belief and promote rehabilitation as the ultimate in the handling of prisoners. The concept of rehabilitation should be subordinate to the basics of crime prevention and that is first, punishment, deterrent and third, rehabilitation.

In recent years more crime has been committed. This is not an allegation, this is a fact and part of the issue of this bill. And the issue of this bill is, should you, as an individual, allow free time to prisoners who have broken society's rules? Should we allow people to go free when from justifiable evidence the court has found and convicted such a person? Do you want the same person who may have done you harm running around freely in your neighborhood and do the same harm again to you or to your neighbors? In fact, it is this type of bill that is promoting a reward for prisoners who behave. Since when do we reward instead of punish those who have broken the laws?

I realize that by the bill the reasons given for a furlough are at a minimum but they still are there. If your constituents want such leniency to be given to the prisoners, then you should vote for this bill. Before you do, ask your seatmate and if you have a chance later on, ask your constituents if this is what they want.

In the first place, let's look at the bill. In the regulation on the first page it says, "The sheriff is authorized to establish regulations." Well, this is great but I believe you are giving extreme power to some individuals whose positions are not that important, really.

In the second place, it goes on to say that "the reasons for returning, for a dying relative — the reason for a furlough." Well, as it is, ladies and gentlemen, the same reason — if something happens that falls within these reasons, the inmates will be allowed with an escort to go visit and to attend to their business as

is stated over here. But the part of it is the one next to the last sentence which says very clearly, "or for any reason consistent with the rehabilitation of an inmate or prisoner." Well, this is a real cutie, because nobody — nobody in the hearing told us any reason consistent with rehabilitation and there can be one new reason every day. This is very very ambiguous.

Then it also says that the inmate is to be provided with — be furnished with a regulation of the county jail. Well, you can be assured that when they are in there, they don't need to be reminded of the regulation. They know what it is.

It also says that "the sheriff must certify such prisoners." There is no reason to certify anything there, he has been sent there by the court and there is no certification needed whatsoever.

Then it goes on in the second paragraph — third paragraph to say that "he shall be punished by imprisonment for any term of years." But if the parole board — so we are changing — we are applying a dual standard here. First he is convicted by the court, but if the parole board thinks that this is not necessary, the last sentence says, "is otherwise terminated by State Probation or Parole Board." So, actually what you are doing is exactly what modern penologists believe, that it should be up to them to decide when somebody gets out of prison regardless of the court order.

On the back page it says that "any person —", this brings into other persons now, "that prevents or obstructs or intimidates a person from going back to prison after —", this is a cutie one here on the fifth line, it says, "— after having been warned by the head of the institution to cease and desist." Well, a long time can span here and I really think that this is — you have to face here the fact that we have on our laws — on our books, which is something which I never believed in in the first place — that the furloughs — that the ones at the State Prison have furloughs now. This is one

of the arguments that will be given.

Well, whether they deserve it or not, they can have it because maybe there is some consideration given to the length of time that they have to spend in prison, which is anywhere from one year up. And this case, it says here the argument will be given that maybe somebody doesn't pay the fine or he might be in there only for a month or so. Well, this is great. Let them stay in there for a while and meditate and see what he will do in the future and I am sure that this will serve as a good deterrent.

Although I have spoken with people that have been in prison before, although some of them say that this does not serve as a deterrent, I have never seen them do anything to go back in there. I think that this is a bill that some of the proponents believe, let's make things nice and easy and comfortable for these people that are in prison so at a later date, if the particular proponent ends in there, well he will be nice and comfortable, too.

I don't think that the people of this state want prisoners and criminals to actually go around their communities until they have served their sentence. I sincerely hope that you do not accept the "ought to pass" report and when the vote is taken, I ask for a roll call.

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

Mr. FARLEY: Mr. Speaker, I would like to pose a question to the gentleman from Portland, Mr. LaPointe, on this bill here. Does this rehabilitation period, would that include holidays, furlough periods during holidays?

The SPEAKER: The gentleman from Biddeford, Mr. Farley, poses a question through the Chair to anyone who may care to answer.

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

Mr. LaPOINTE: Mr. Speaker and Ladies and Gentlemen of the House: In response to Representative Farley's question, the furlough time period is 48 hours. So I would imagine anything that encompasses

48 hours, as is stated in the bill, would follow.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I think this would be a very bad bill. We had a gentleman in my area that was arrested for stealing chain saws. They gave him 24 hours. You know, that is all he needed to steal four more. They brought him down here again and this gentleman stole binoculars on his next furlough.

They took a search warrant, searched his home. They found snowshoes, they found binoculars, they found canoes, they found revolvers, they found rifles. And we have them in our possession and we don't know where they came from and he doesn't either. So now I think if the man got out for 24 hours, this gives him plenty of time to go back and steal a little more.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: My only objection to this bill is that shortly after the first of the year I had a conversation with a guard at the state prison in regard that prisoners at the institution there had just come back from furlough, Christmas and on New Year's holidays. The problem is that most of these parents or guardians of these prisoners, a lot of them don't want them. When it came time for the 48 hours or the 72 hours I think in this case it was, they picked them up in county jails and all night diners or city jails.

I just hope that if we do allow this bill to pass, that a little closer investigation of these prisoners, where they are going to spend their time on these holidays and if there is someone going to put them up for the night and have a little bit of guidance. That is my only objection.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the

House: I find myself in a unique position of both agreeing with my very good friend, Mr. Carrier of Westbrook, but signing the "ought to pass" report. I am not particularly fighting for the bill.

If I had had an opportunity — I don't believe I did — but if I would have had an opportunity to vote on the law to permit furloughs without attendants to anyone in confinement for being punished for a crime or a misdemeanor, I would have opposed it strenuously. But, as my friend Mr. Carrier states, somehow or other they have got the authority at the institutions. They do so at the prison. Also, at several of the jails where straight prisoners sometimes are boarded, at least temporarily, they also have the same rights and it looks rather discriminatory when possibly the man convicted of a much more serious crime serving time at Thomaston maybe is farmed out of the jail temporarily, is allowed to have up to 48 hours to either perhaps look for a job or receive medication or to visit a sick relative and that is definitely all it is for, and I think they are trying to watch it pretty close. Then the other inmates there who are serving for much lesser crimes cannot do it. It just looks a bit discriminatory.

I was trying to approach this bill completely on an unbiased opinion and that is why I say my position is unique because usually Mr. Carrier and I are in complete agreement on these things. I feel that prisoners are being coddled too much, and I have stated so publicly at many times. But I just wanted to state the reason that I have voted as I did on this bill, purely as a matter of what I thought was fair and the fact that it is being done now in jails, except that now they have to send along a deputy whom a good many times could perhaps better be serving in other areas. It is rather a tedious job for a deputy to go along and cool his heels on the porch while his prisoner visits his sick mother. That is exactly what has been done. He has to take him into restaurants and feed him and so on.

So that is the reason that I voted as I did on this bill and that is the only reason that I got on my feet at this time.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: In the first place, I am against this bill and I am going to vote "ought not to pass." I will disagree with my friend, Mr. Carrier, on one point only. He says he does not know of any instance where these prisoners are rewarded for good behavior but they all are rewarded for good behavior in getting time cut off from their sentence. They have so many days a month cut off for good behavior.

Next, the idea is that most judges are lenient; and in any case before a person is sentenced to a county jail, they have been tried many times before that and given leniency, given probation, suspended sentences; and I feel that when they are given a sentence of 90 days in jail that they should serve the 90 days, less, possibly, time off for good behavior.

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

Mr. GAUTHIER: Mr. Speaker, Members of the House: I, along with Mr. Carrier, signed the "ought not to pass" report of our committee; and the reasons Mr. Carrier gave you and also Mr. Brawn and after reading the bill thoroughly, I did not feel that I could go along with this bill and that is the reason why I signed the "ought not to pass" report. I move that this bill and all the accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, moves the indefinite postponement of this Report and Bill.

Mr. Binnette of Old Town requested a roll call.

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

Mr. MCKERNAN: Mr. Speaker and Ladies and Gentlemen of the House: As a member of the Judi-

ciary Committee, I signed the majority "ought to pass" report and I feel that I should at least say something for the majority of the committee. I would urge you to support this bill because, although the opponents to the bill can always find a few people in any group who are going to abuse the privilege, I think that these people are in the vast minority in this case. I submit to you that we can use the present work release programs that are now in effect in county jails as an example of what is going to happen if we do permit these furloughs.

I am familiar with the work release programs in Penobscot county, it's my home county and also in Cumberland county through testimony at the committee hearing. I have talked to not only inmates but also deputy sheriffs in Penobscot County who feel that the work release program is a great help in carrying out the other programs in the jails due to the increase in morale that it causes. The testimony in front of our committee concerning Cumberland County was that in the work release program of last year the inmates earned \$23,000, with no major instances of abuse of this privilege of going out and working in the community.

So I think that these programs prove that such a furlough program will work and not only that, but I think it is a good investment in the future of our society in allowing these people to get out and reacclimate themselves to the world.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: If these gentlemen had not abused their rights in civilian life they wouldn't be where they are now.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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: The pending question is on the motion of the gentleman from Sanford, Mr. Gauthier, that both Report and Bill "An Act to Permit Furloughs to Inmates or Prisoners from County Jails" House Paper 562, L. D. 741, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Berube, Binnette, Birt, Boudreau, Brawn, Bunker, Cameron, Carrier, Carter, Chick, Chonko, Conley, Cote, Crommett, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Evans, Farrington, Finemore, Flynn, Fraser, Gauthier, Hamblen, Herick, Hoffses, Hunter, Immonen, Jacques, Kelley, R. P.; Keyte, Knight, Lewis, E.; Littlefield, Lynch, Maddox, McMahon, Merrill, Morin, L.; Palmer, Parks, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Tanguay, Theriault, Trumbull, Tyndale, Walker, Webber, Willard.

NAY — Baker, Berry, P. P.; Bither, Bragdon, Briggs, Brown, Bustin, Churchill, Clark, Connolly, Cressey, Curran, Curtis, T. S., Jr.; Dow, Dunleavy, Emery, D. F.; Farley, Farnham, Fecteau, Ferris, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Henley, Hobbins, Huber, Jackson, Jalbert, Kelleher, Kelley, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, J.; MacLeod, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Perkins, Peterson, Rolde, Santoro, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Talbot, Tierney, Trask, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Albert, Carey, Cooney, Cottrell, Faucher, Good, Hodgdon, Mahany, McCormick, McNally, O'Brien, Sheltra, Soulas, Sproul.

Yes, 63; No, 72; Absent, 15.

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

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

The Bill was read once and assigned for second reading tomorrow.

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

Bill "An Act Relating to Safety of Dams" (Emergency) (S. P. 410) (L. D. 1176)

Tabled — March 12, by Mr. Ferris of Waterville.

Pending — Passage to be engrossed.

Mr. MacLeod of Bar Harbor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-89) was read by the Clerk and adopted.

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

Mr. MULKERN: Mr. Speaker, I have a question concerning House Amendment "A" that I would like to address to anyone who would care to answer it.

The SPEAKER: The Chair would inform the gentleman we have adopted House Amendment "A". Does he care to move to reconsider the adoption of House Amendment "A"?

Mr. MULKERN: Mr. Speaker, I would like to move for reconsideration so I could pose my question.

The SPEAKER: The gentleman from Portland, Mr. Mulkern, moves the reconsideration of House Amendment "A". The gentleman may proceed.

Mr. MULKERN: Mr. Speaker and Members of the House: My question, I notice this amendment exempts all dams and projects licensed in the jurisdiction of the federal power commission from this particular act and my only question is, I was wondering who is authorized to inspect these dams and projects licensed by the federal power commission in the State of Maine?

The SPEAKER: The gentleman from Portland, Mr. Mulkern poses a question through the Chair to

anyone who cares to answer. The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Members of the House: In answer to the gentleman's question. We understand that any dams that are under the federal jurisdiction are federally inspected and this is just a routine matter to exempt these dams. Under the bill, an act relating to the safety of dams, there has been established in Congress an act of the inspection or a program for safety of dams in lieu of the fact that we had so many damaging floods in recent years. This has been passed on along to the Army Corps of Engineers and down to the state level to our Soil and Conservation Department here on the State level which has been appointed by your Governor.

Thereupon, Mr. Mulkern of Portland withdrew his motion for reconsideration.

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

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

Bill "An Act Relating to Hunting from Public Ways" (H. P. 160) (L. D. 202)

Tabled — March 12, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, under suspension of the rules, the House reconsidered its action of March 1 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "C".

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action of February 15 whereby Committee Amendment "A" was adopted.

The same gentleman then moved that Committee Amendment "A" be indefinitely postponed.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Just to tell you what I have been doing for a few seconds. Basically, what it amounts to is that there are two amendments that are in conflict with one another. The Committee Amendment "A" should have been indefinitely postponed when we put on House Amendment "C". That is the reason why we are going through this procedure at this time.

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

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

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 443)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out an emergency bill for appropriation to the Department of Health and Welfare for a high priority social service program.

Came from the Senate read and passed.

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

On motion by Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.