

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, April 4, 1973

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

Prayer by Rabbi David Berent of Lewiston.

The journal of yesterday was read and approved.

Order Out of Order

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

ORDERED, that Mary Ellen Gagnon and Pam Raymond of Gardiner be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate: The following Communication: (S. P. 555)

Maine-New Hampshire
Interstate Bridge Authority
Augusta, Maine
April 2, 1973

To the Honorable Senate and House of Representatives of the One Hundred and Sixth Legislature:

Transmitted herewith is the Seventeenth Biennial Report of the Maine-New Hampshire Interstate Bridge Authority which is being presented in accordance with Chapter 18, Article VI, Private and Special Laws of 1937.

Respectfully submitted,

Signed:

DAVID H. STEVENS

Chairman

Maine-New Hampshire Interstate
Bridge Authority

Came from the Senate read and with accompanying paper placed on file.

In the House, the Communication was read and with accompanying paper placed on file in concurrence.

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

Bill "An Act to Upgrade the Quality of Care at Bangor State

Hospital" (Emergency) (S. P. 531) (L. D. 1689)

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

In the House: On motion of Mr. Haskell of Houlton, referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

Joint Order relative to Environmental Protection to Control Erosion (H. P. 1294) which was read and passed in the House on April 2.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, I move that we insist on this item.

Whereupon, Mr. Finemore of Bridgewater requested a vote.

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

Mr. BRIGGS: Mr. Speaker, I request this item be tabled for one day.

Whereupon, on motion of Mr. Finemore of Bridgewater, tabled pending the motion of Mr. Peterson of Windham that the House insist, and specially assigned for Monday, April 9.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Extending Open Season on Bear" (H. P. 187) (L. D. 228) which was passed to be engrossed as amended by Committee Amendment "A" (H-137) in the House on March 29.

Came from the Senate recommended to the Committee on Fisheries and Wildlife in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution to

Implement the Administration of Justice by Permitting Eight-man Juries for Trials of Certain Criminal Cases (H. P. 173) (L. D. 215) which was passed to be engrossed in the House on March 28.

Came from the Senate with the Minority Report "Ought not to Pass" accepted in non-concurrence.

In the House:

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

Mr. McKERNAN: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Bangor, Mr. McKernan, moves that the House recede and concur.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is one of my bills that was handed to me by one of the higher men in the court system, and I would hope that the motion to recede and concur would not prevail so that I could insist and ask for a Committee of Conference.

It had a majority "ought to pass" report on it. I am fully aware of how the attorneys feel about this measure, and I am fully aware that we did pass an eight-man jury on some smaller lawsuits which is working out very well and saving nearly a quarter million dollars a year. If we are going to spend somewhere along the line, we must do two things: earn more and save more.

I certainly hope, Mr. Speaker, that the motion to recede and concur does not prevail so that I would make a motion to insist and ask for a Committee of Conference.

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

Mr. HENLEY: Mr. Speaker, may I inquire through the Chair as to how that report came out of committee.

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HENLEY: Mr. Speaker and Members of the House: I merely wanted to refresh my mind and

the mind of the House as to how that came out of committee. There was a very fair and interesting hearing on that. It seems that the eight-member jury for a few of the minor smaller crimes has been successful in various areas. All we are attempting to do is to assist in some manner to break the backlog on cases in our courts. We seem to be fighting a losing battle through the years. We get backed up more and more, and one of the answers would be to streamline our court system to some extent, and that is one of the methods of doing it.

I am not uptight on the bill, except that I feel it is a good bill. I feel that it will advance our cause in criminal justice and in moving the cases through. It seems to me, with the hearing we had and with the members of officialdom who are for this type of progress, because there is no state law which says there must be 12 members of every jury anywhere, it has just been a custom that has been followed for the more serious crimes. It was shown that this system has assisted in some other areas.

I am not going to debate the thing any more. I just wanted to explain my stand on it. I am thoroughly in accord with my signature. I am for the bill and I hope you will defeat the move to recede and concur so that we can go on from there and try to save this very worthwhile legislation.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Jalberty of Lewiston, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Voting Checklists as Public Records" (H.

P. 973) (L. D. 1280) which was passed to be engrossed in the House on March 29.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-57) in non-concurrence.

In the House:

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I move that we recede and concur and would speak very briefly to my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede and concur. The gentleman may proceed.

Mr. ROSS: The original bill said that the public could not see checklists until three months after the election. This was to give time for statewide inspections and recounts in the Secretary of State's office. But because of mayoralty elections and runoff in certain cities, three months is too long. And this just says that after the recounts have all been in and are proper it will then be public record and the bill is perfectly all right with me in the Election Laws Committee.

Thereupon, the House voted to recede and concur.

Divided Report Tabled and Assigned

Majority Senate Report of the Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (S-54) on Bill "An Act Regulating Water Well Construction and Pump Installation" (S. P. 173) (L. D. 428)

Report was signed by the following members:

Messrs. ROBERTS of York
ALDRICH of Oxford
JOLY of Kennebec
— of the Senate.
Messrs. EMERY of Rockland
SHUTE
— of Stockton Springs
CAREY of Waterville
CONNOLLY of Portland
SHAW of Chelsea
— of the House.

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

Report was signed by the following members:

Messrs. FAUCHER of Solon
DUDLEY of Enfield
COTE of Lewiston
PECTEAU of Biddeford
BRAWN of Oakland
— of the House.

Came from the Senate with the Majority Report accepted and passed to be engrossed as amended by Committee Amendment "A" (S-54)

In the House: Reports were read.

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

Mr. BRAWN: Mr. Speaker and Members of the House: I would like to have this tabled for two days in order to put some amendments on, which the people have been to me about, before accepting either report.

On motion of Mr. Emery of Rockland, tabled pending acceptance of either Report and specially assigned for Monday, April 9.

Divided Report

Majority Senate Report of the Committee on Business Legislation reporting "Ought to pass" with Committee Amendment "A" (S-50) on Bill "An Act Providing for the Maine Property Insurance Cancellation Control Act" (S. P. 231) (L. D. 666)

Report was signed by the following members:

Messrs. KATZ of Kennebec
MARCOTTE of York
COX of Penobscot
— of the Senate.
Messrs. DONAGHY of Lubec
DESHAIES of Westbrook
TIERNEY of Durham
JACKSON of Yarmouth
HAMBLEN of Gorham
MADDOX of Vinalhaven
TRASK of Milo
Mrs. BOUDREAU of Portland
Mrs. CLARK of Freeport
— of the House.

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

Report was signed by the following member:

Mr. O'BRIEN of Portland

Came from the Senate with the Majority Report accepted and passed to be engrossed as amended by Committee Amendment "A" (S-50)

In the House: Reports were read. On motion of Mr. Trask of Milo, the Majority "Ought to pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-50) was read by the Clerk and adopted.

The Bill was assigned for second reading tomorrow.

Messages and Documents

The following Communication:

THE SENATE OF MAINE

AUGUSTA

April 3, 1973

Mrs. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action on March 20, 1973, whereby it Indefinitely Postponed, in non-concurrence, Bill, "An Act Relating to Risk Sharing Plans in the Field of Property Insurance".

Respectfully

Signed:

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves requiring reference 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 Appropriate Additional Matching Funds for Social Services" (H. P. 1358) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction" (H. P. 1391) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Creating the Maine Promotion Matching Fund in the Department of Commerce and

Industry" (H. P. 1394) (Presented by Mr. Smith of Dover-Foxcroft)

Resolve Providing Funds for Purchase of Water Rights and Dam on Big Ferguson Stream, Somerset County (H. P. 1395) (Presented by Mr. Herrick of Harmony)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Allow Insurance of any Kind to be Sold to All Groups" (H. P. 1403) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act Relating to Automobile Liability Insurance" (H. P. 1405) (Presented by the same gentleman)

Bill "An Act to Require Publication of Cost-Benefit Ratios on Insurance Policies" (H. P. 1406) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act Providing for Interest on Late Payment of Insurance Claims" (H. P. 1407) (Presented by the same gentleman)

Bill "An Act to Authorize the Investment by Savings Banks in Real Estate for Purposes of Historic Preservation" (H. P. 1408) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Reform County Government" (H. P. 1385) (Presented by Mr. Henley of Norway)

The Committee on Reference of Bills suggested the Committee on County Government.

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

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: With no aspersion on the Committee of County Government, I feel that because of the broad concepts of this bill that involves Home Rule for counties; it involves a whole new structure for County Government, it involves the transfer of Superior Court system to state, it involves the district attorney system, and I have felt

that because of these things that involve so many state issues, in that county government is a part of state government as of now, an extension of state government, it is such a new concept that I feel that this should really go to State Government for its deliberations and hearings, and I would so move.

Thereupon, on motion of Mr. Farrington of South China, tabled pending the motion of Mr. Henley of Norway to refer to the Committee on State Government and tomorrow assigned.

Education

Bill "An Act Relating to Certification of Teachers in Private Preschool Programs" (H. P. 1400) (Presented by Mr. Gahagan of Caribou)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Compensation for Inmates of the State Prison and State Institutions" (H. P. 1398) (Presented by Mr. Tierney of Durham)

The Committee on Reference of Bills suggested the Committee on Health and Institutional Services.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, because a bill of a very similar nature has already been referred to the Judiciary Committee, I move that House Paper 1398 be sent to Judiciary.

Thereupon, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act Relating to Adoption of Foster Children by their Foster Parents" (H. P. 1392) (Presented by Mr. Connolly of Portland)

Bill "An Act Relating to Custody of Foster Children" (H. P. 1393) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Providing Collective Bargaining Rights for Employees of the State and the University of Maine" (H. P. 1390) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Providing for a Workmen's Compensation Insurance Fund" (H. P. 1397) (Presented by Mr. Smith of Dover-Foxcroft)

The Committee on Reference of Bills suggested the Committee on Labor.

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

Mr. BIRT: Mr. Speaker, I move this be referred to the Committee on Business Legislation.

Thereupon, on motion of Mr. Smith of Dover-Foxcroft, tabled pending the motion of Mr. Birt of East Millinocket, to refer to the Committee on Business Legislation and tomorrow assigned.

Bill "An Act to Improve the Occupational Safety and Health Act of the State in Accordance with Federal Standards" (H. P. 1402) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Repealing all Exemptions under Minimum Wage Law" (H. P. 1389) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to Retirement of Police Officers and Fire Fighters of the City of Augusta." (H. P. 1399) (Presented by Mr. Brown of Augusta)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

(On motion of Mr. Henley of Norway, tabled pending reference and tomorrow assigned.)

Legal Affairs

Bill "An Act Relating to Jurisdiction of Certain Land at Bangor International Airport" (H. P. 1404) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Establish an Insurance Consumers' Advisory Board" (H. P. 1357) (Presented by Mr. Smith of Dover-Foxcroft)

The Committee on Reference of Bills suggested the Committee on State Government.

(On motion of Mr. Trask of Milo, tabled pending reference and tomorrow assigned.)

Veterans and Retirement

Resolve Increasing Retirement Allowance for Mrs. Ruth Brown of Orono. (H. P. 1396) (Presented by Mr. Curtis of Orono)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Providing for Protection of Employee Pension Contributions" (H. P. 1401) (Presented by Mr. Emery of Rockland)

The Committee on Reference of Bills suggested the Committee on Veterans and Retirement.

(On motion of Mr. Emery of Rockland, tabled pending reference and tomorrow assigned.)

Orders

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

WHEREAS, Sean Aloysius O'Fearna of Cape Elizabeth, more popularly known as John Ford, director, is one of the geniuses of his profession; and

WHEREAS, the greatness of this man, aside from his naval career, is seen in 140 of the finest American motion pictures which he produced and directed; and

WHEREAS, the American Film Institution has so honored him with a Life Achievement Award, the very first such honor; and

WHEREAS, on Saturday, the 31st day of March, the President of the United States awarded this 78-year-

old film maker with the Medal of Freedom which represents the Nation's highest civilian honor; now, therefore, be it

RESOLVED, the Senate concurring, that We, the Members of the 106th Legislature of the great and sovereign State of Maine now assembled, take this opportunity to congratulate this distinguished native son and hereby express with great pride our appreciation of him and his life's work, which has commanded admiration and applause around the world; and be it further

RESOLVED, that a suitable copy of this Resolution be immediately forwarded to Rear Admiral Ford in token of the sentiment expressed herein.

The Order was read.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: First, I would like to thank the Speaker for the courtesy of allowing me to present this order. As you know, the gentleman I am to speak about comes from his community, Cape Elizabeth, and I know that he would be perfectly justified with pride to step down from the rostrum and have presented the order himself. He is gracious enough to allow me to do it.

You might say to yourself, "What is Representative Louis Jalbert of Lewiston doing presenting an order that concerns Sean Aloysius O'Fearna?" And believe you me, the man who is known by that name of John Ford was Irish.

The comment was made in a note to me, is O'Fearna a real person? I can assure that he is a real person with all my heart. I met him 40 years or maybe one or two years ago. Those were the days of the former Governor Louis J. Brann and we did a little work along the line with Jack Kenney of Webber and Fields Fame, Governor Healey, former Governor of Massachusetts, Bill Grey, the famous Bill Grey of my home city, who was a theater magnet, Louis Brann himself, Federal Judge Clifford, And those were the days when I did three things. I drove the car, I mixed the coca cola, and believe it or

not, I kept my mouth shut. Times have changed.

For those of you who are privileged or had the opportunity to listen to the program that was so wonderful to watch the night before last, but also realize that Sean Aloysius O'Fearn was not only all Irish, all American, but he was all Maine. And really and truly, night before last, when they finally introduced him, and President Nixon rose and escorted him to the rostrum, and believe me the President of the United States, whomever he may be, doesn't necessarily escort people himself to the rostrum on too many occasions, but that is exactly what happened. Then the song, the Maine Stein Song started, and being somewhat of an emotional person, I defy anybody in this room who listened to it, that somewhere along the line, the tube got a little misty.

I am very proud and happy to salute Sean Aloysius O'Fearn and there is no alias with me. He was all Irish — Patrick — he was all American and he was all Maine.

I move passage of the order.

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

At this point, the Speaker appointed the following House member to the Committee on Liquor Control:
Mr. CHICK of Sanford

House Reports of Committees Ought Not to Pass

Mr. Emery from the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Permit Municipal Regulation of Snowmobiles within Built-up Areas by Ordinance" (H. P. 544) (L. D. 769)

Mr. Pontbriand from the Committee on County Government reporting same on Bill "An Act Relating to Time for Paying Salaries of County Officials" (H. P. 889) (L. D. 1174)

Mr. Brawn from the Committee on Legal Affairs reporting same on Resolve in Favor of Harvey H. McNally of Sherman Station (H. P. 991) (L. D. 1311)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Divided Report

Majority Report of the Committee on County Government reporting "Ought not to pass" on Bill "An Act Relating to Keeping of Records on Use of County-owned Vehicles" (H. P. 875) (L. D. 1163)

Report was signed by the following members:

Messrs. ROBERTS of York
PEABODY of Aroostook
CLIFFORD
of Androscoggin
— of the Senate.
Messrs. FARRINGTON of China
McMAHON of Kennebunk
PONTBRIAND of Auburn
DAM of Skowhegan
CHURCHILL of Orland
SHELTRA of Biddeford
TANGUAY of Lewiston
— of the House.

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

Report was signed by the following members:

Messrs. WHITZELL of Gardiner
DYAR of Strong
— of the House.

Reports were read.

On motion of Mr. Farrington of China, the Majority "Ought not to pass" Report was accepted and sent up for concurrence. (Later Reconsidered)

Divided Report

Majority Report of the Committee on County Government reporting "Ought to pass" on Bill "An Act Authorizing Legislature to Change Specific Line Categories in the County Estimates" (H. P. 1166) (L. D. 1501) (Emergency)

Report was signed by the following members:

Messrs. ROBERTS of York
PEABODY of Aroostook
CLIFFORD
of Androscoggin
— of the Senate.
Messrs. FARRINGTON of China
TANGUAY of Lewiston
McMAHON of Kennebunk
DYAR of Strong
— of the House.

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

Report was signed by the following members:

Messrs. CHURCHILL of Orland
WHITZELL of Gardiner
PONTBRIAND of Auburn
DAM of Skowhegan
SHELTRA of Biddeford
— of the House.

Reports were read.

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

Mr. FARRINGTON: Mr. Speaker, I move we accept the Majority Report and I ask to speak to my motion.

The SPEAKER: The gentleman from South China, Mr. Farrington, moves that the House accept the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: The reason for this emergency measure is because there has been two different decisions from the Attorney General's Department regarding whether or not the legislature does have the right to change lines on county commissioners' budgets.

First let me remind the House that after the county commissioners' budgets are received by the state, they are no longer the county commissioner's budget. They are in the hands of the legislature to do with as they may.

The second reason for this emergency measure is to allow this legislature to do what they are already doing. This year especially, because of the action of this body after county budgets were in allocating money for social services and other matters, it has become necessary for county delegations, meeting with their commissioners and the responsible sources, to change items by line in county budgets.

Now the bill reads "Change," it does not read "cut." So if, in fact, you expect to have these items added to your respective budgets, this emergency measure should pass — must pass, because the rulings that we have henceforth had disallow this legislature from changing line in the county budget.

For your information, the Auditing Department of the state would be very much in favor of such an emergency measure, because as we are working with them now, in order to get the county budgets before you Thursday, we necessarily have to consider each item, each line, of each county budget in order to come up with a total figure which will be reported to you hopefully this week.

The only thing you will see here in the House will be the total amount which will be laid for by the counties for the taxes to the municipalities. To have you impose responsible budgeting, we believe that you should — if you say you want money to be spent on social services, this is where we believe the money should be spent, which is also another reason for line budgeting.

I hate to remind you of the Education Department. In the area of education, if you allocate your local town's money for the total budget someone might say, "If you cut the budget, the first thing we will cut out will be athletics for instance. This, of course, causes a hoopla. I suspect if you have an item in your county budget, you want the money to be spent for that particular item.

I have no more to say. Of course, this is going to take a two-thirds vote. I hope you see the reasoning and go along and pass this measure before us today.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I rise to oppose the motion of the gentleman from South China, Mr. Farrington, on the "ought to pass." I was a signer of the "ought not to pass" report and the reason being is because there is only three counties out of the sixteen that are having trouble with their budgets. Thirteen counties are in accordance.

I do not feel that I would be qualified to sit here in the House and act on a budget for Aroostook County or York County or any of the other counties other than my own. There is a system set up

under our state government where this budget is aired back in your local community. The legislators all get a notice of the date that they are going to have the hearing, as well as this being publicized in at least one paper having a circulation in and for the county.

I think this is an attempt of some to move the legislature down to the county level and attack county government. I do not feel this is a necessary bill. I do feel that we have enough work here as it is taking care of the affairs of the state without taking on any greater burden.

Another reason for signing the "ought not to pass" report is because nowhere in L. D. 1501 did I read anything that would say that the commissioners or the registrar of deeds or the registrar of probate, the judge of probate or any of your constitutional officers would have a chance to appear in defense of their budget if a committee were going to make a cut.

I do not favor building up a case against anyone unless that person also has the chance to appear. Now it will be said most probably later on by someone that they would be notified. It does not say so in this bill. It merely gives the legislature a chance to cut the county budget. Now, we had difficulties in my county, but the county commissioners came to Augusta. They met with the legislative delegation from Somerset County and we ironed out our differences. And I think if we can do it, any county can do it. I do not think that this legislature or any legislature in the future should start moving down to the county level, because when you do this, the next thing you will be moving down to is the municipal level. The county government is a good system. We do elect the commissioners and if you don't like them, you can vote them out the next time around. I hope that we accept the minority "ought not to pass" report.

The SPEAKER: The pending question is the motion of the gentleman from South China, Mr. Farrington, that the House accept the Majority "Ought to pass"

Report. The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I do not want to belabor this question. I certainly dislike disagreeing with the members of my committee, the County Government Committee.

However, we have given ample opportunity for delegations to meet and decide with their commissioners what these budgets should be. I simply am saying, and I reiterate, that if we don't pass this emergency measure, there will be much question of whether or not you can add to your budget. Now, we have had a ruling that says you cannot change lines on budget.

The continuity of this thing is all the way through. We are not just talking about a total action on a total budget. We are talking about setting the budget, expecting these commissioners to hold to lines insofar as they can. Certainly, the concern with the commissioners perhaps was that we were going to cut their budgets. Well, where cuts are warranted, I feel that the local delegations — and commissioners have agreed and we are satisfied on this point — but certainly we ought to have tools to work with here in the legislature. We ought to at least have statutes to back what we are doing. And we are in fact changing.

So I hope you will go along with this. This is nothing more than straightening out a measure that should have been straightened out perhaps in years past.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I favor this bill, the "ought to pass" report, for the simple reason that last year in Caribou when they sent us notice to appear in Caribou, they were supposed to send the copy of the county budgets ten days prior to the meeting, which we didn't receive until that day we got to Caribou for the county meeting with the county commissioners.

On that day they also had invited

— who are entitled to come, there is no question — the town managers of the different towns or the selectmen, whichever wish to come. And this made it very inconvenient. There was no way possible in a matter of six or seven hours that we could go over this budget, including everything in the county budget, which is some \$369,000, and now it is up to around a half million dollar budget for the county of Aroostook.

We would like to have an opportunity whereby — I believe it's agreed on by both parties — we would like to have an opportunity where we could open the budget and check things over; and take one item, if it's an item we believe is too high, and cut that item or raise an item we think is too low. We think is very unfair to have us come here to Augusta and tell us then that we are done with cutting individual items. All we can do is cut the total amount of the budget.

I hope you will go along with this "ought to pass" report.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: Mr. Farrington from China spoke about local delegations. Now, I don't know what is happening in the other 15 counties, but I do know quite well what happens in the County of Somerset. We received certified mail as well as the budget long before the budget hearing was going to be held. We had ample time to look it over. It was publicized in the paper; and the day of the hearing before the commissioners and the public, there were three of the legislative delegation from Somerset county that attended. Actually, it was only two; but because of the districting in the Senate, it gave us three.

The Representative from Madison, Mrs. Berry, was there. The Senator from Kennebec, Mr. Joly, was there and myself. That was the interest of the delegation. We differed with the budget; we picked it apart, and we had increases put in for two areas in the mental retardation part of the budget.

I feel that it's the duty of the legislative delegation to meet with the commissioners on their home ground. If I have got anything to say, I don't care whether I say it here in the House or I say it out on the streets or I go back to the town of Skowhegan and say it. If the people don't like what I have to say, then they only have to wait one more year and they can vote me out; or if they like it, they can vote me back. Now, I do not think that you have to hide behind the legislature when you don't want to face up to your budget back home.

Now, Mr. Finemore said that they didn't receive the budget in Aroostook County in time to look it over and make decisions. Well, I can only suggest to Mr. Finemore that he inform his commissioners that there is a law on the book that sets an ample time and sets the time that the delegations and the people are to receive this budget and to receive the notice. And if they are not doing this then it is up to Mr. Finemore to bring some action against the county commissioners if he wants good government in Aroostook County.

Now, I do not feel that you should take and put a burden on thirteen counties because you have three that cannot approve their budget. I do not feel it's right to come down here and cut a budget after you have had an ample chance to do it in your own home communities, and they do have this chance now.

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

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: Representative Dam has explained his position and my position is equally the same. We had ample time. There isn't a soul in this House, there isn't a selectman in any community that wasn't notified except with the exception of two or three counties in disagreement with this. They received by registered mail their county budget. They had ample time to look this over; and to my knowledge, there has only been two or three that complained about this.

Now the selectmen and everyone in the municipalities had a chance to nit-pick at this budget at that time. And we have been told that any county that was in disagreement with this, they have made changes. One county increased their budget considerably on the request of the selectmen and the municipal officers. I see no reason why this should be — as has been stated, this was not a witch hunt but this certainly appears to me to be a witch hunt. If you have a delegation that is of the opposite party, you could ruin the sheriff's department by cutting this one line and nearly put him out of commission and this appears — the only reason for this — and I can see no reason why we should go along with two or three counties that are in disagreement with the commissioners. At the hearing there were only two proponents that I remember. The rest were unanimous in opposition to this bill. That is my position and I see no reason why we should pass this at this time. This has been operating very well for several years and we should not change this at this time.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: This is a somewhat delicate subject, I guess, for me to take a position on because I come from one of the counties that apparently has been in trouble. I am not afraid, though, to state my position on any subject, no matter how it may affect me.

Frankly, I feel that our present system is a good system, and I certainly hate to see us depart from it. I think we in the delegation are much at fault that we didn't get together and come up with a solidified position with our county commissioners; and for this reason, I am going to go along, let the chips fall where they will, and vote with the minority opinion of the County Government Committee.

Mr. Farrington of South China was granted permission to speak a third time.

Mr. FARRINGTON: Mr. Speaker and Members of the House: I have great respect for the members of the committee, but they don't realize that they, too, by actions that we have taken in the committee to change various things, are in direct contradiction to the rulings of the Attorney General's Department. This is the only area that I want to stress, the fact that we should make rules and abide by them, but we ought to have both ends of the spectrum covered.

We, in fact, are in violation. We have changed in the committee — and this was originally the commissioner's budget — we have changed lines in the budget, true, by request, by unanimous consent or by the majority consent of the delegation and the approval of the county commissioners. All we are asking is for permission to do this, and this particular document will allow it. It is not going to change any system, any past system, any present system, except to allow us to do what we have been doing.

The SPEAKER: The pending question is on the motion of the gentleman from South China, Mr. Farrington, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Carey of Waterville requested a roll call vote.

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

Mr. NORRIS: Mr. Speaker and Members of the House: Very briefly, I didn't want to get into this, but I feel that if any of the members of this House want a line budget in their county, why in the world don't they run for county commissioner. That is the legal way to do it. Those are the elected officials who do the line budgeting. If you want a line budget, then run for county commissioner and forget coming to the House.

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 Chair recognizes the gentleman from South China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I won't belabor this any longer. I am wondering if anybody in the House might answer the question of whether or not we can, in fact, change some of the lines in the budget in order to satisfy delegations and in order to satisfy commissioners as well if we do not enact something like this?

The SPEAKER: The gentleman from South China, Mr. Farrington, poses a question through the Chair to any member of the House who may answer if they wish.

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

Mr. TALBOT: A point of inquiry, Mr. Speaker.

The SPEAKER: The gentleman may pose his question.

Mr. TALBOT: I would like to find out whether this vote we are getting ready to take now is legal, insofar as we have taken one vote and it was a tie vote.

The SPEAKER: The Chair would inform the gentleman that the vote is legal in that a request for a roll call was made before the vote was announced. If the Chair had announced the vote, then we would be off to another motion. But before the Chair announced the vote, the request by the gentleman from Waterville, Mr. Carey, was made for the roll call. Yes, it is legal.

Mr. TALBOT: What happened to the vote we took before that was tied?

The SPEAKER: That was never announced, never became final, so a roll call may be asked for anytime before the final vote is announced.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: In regards to Mr. Farrington's

question, I have this from Jon Doyle's office which we received the last session, and he is welcomed to it. This is the same letter that you requested one time, that you made a copy of, whether a county delegation may change salaries of county employees in line. And it definitely states you cannot.

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

Mr. FARRINGTON: Mr. Speaker, I understood — of course we are speaking about salaries — that we are pretty much fixed on salaries this year, and I had not reported to the House as House Chairman regarding salaries because I wasn't one to jump the gun, and I am glad I didn't because there are four or five changes in between the first report from IRS until the final change. Presently, we are only allowed 5.5 raise for constitutional and statutory positions in counties and this is only to be effective in 1974; because if you recall, the House did not want to make it retroactive for these positions.

My question is in the continuity of whether or not we in county government who are acting for the legislature and have no authority to pass on anything — this is the prerogative of this group, but we are doing the homework the best we can — my question was whether or not, in fact, if somebody wants a special appropriation under a special line — and we sent it up here as a recommendation — whether or not we are not changing the commissioner's budget. This is, of course, in direct contradiction to the letter that the gentleman just read, and that is why I asked the question.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South China, Mr. Farrington, that the House accept the Majority "Ought to pass" Report on Bill "An Act Authorizing Legislature to Change Specific Line Categories in the County Estimates" House Paper 1166, L. D. 1501. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Binnette, Birt, Bither, Brown, Carey, Chick, Clark, Cooney, Cressey, Drigotas, Dudley, Dunn, Farley, Farnham, Farrington, Ferris, F i n e m o r e, Flynn, Good, Goodwin, H.; Hamblen, Henley, H o b b i n s, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, Lynch, Maxwell, McMahon, McTeague, Merrill, Morin, L.; Morton, Murchison, N a j a r i a n, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shute, Simpson, L. E.; Snowe, Stillings, Strout, Tanguay, Tierney, Trask, Tyndale, Walker, White, Willard, The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Bragdon, Brawn, Briggs, Bunker, Cameron, Carrier, Carter, Chonko, Churchill, Conley, Connolly, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dow, Dunleavy, Emery, D. F.; Evans, Faucher, Fecteau, Fraser, Gahagan, Garsoe, G a u t h i e r, Genest, Goodwin, K.; Greenlaw, Haskell, Herrick, Jalbert, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, MacLeod, Maddox, Mahany, Martin, McCormick, McHenry, McKernan, McNally, Mills, Morin, V.; Murray, Norris, O'Brien, Pontbriand, S h a w, Silverman, Smith, S.; S o u l a s, Sproul, Talbot, T h e r i a u l t, Trumbull, Webber, W h e e l e r, Whitzell, Wood, M. E.

ABSENT — Bustin, Deshaies, Dyar, Hancock, Hodgdon, Jacques, Kelleher, Mulkern, Santoro, Shelta, Smith, D. M.; Susi.

Yes, 67; No, 72; Absent, 12.

The S P E A K E R : Sixty-seven having voted in the affirmative and seventy-two in the negative, with twelve being absent, the motion does not prevail.

Thereupon, the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

The S P E A K E R : The C h a i r recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL : Mr. Speaker, I would like to move that we reconsider our action on this item 2 and I hope everybody votes against me.

The S P E A K E R : The gentleman from Gardiner, Mr. Whitzell, moves that the House reconsider its action whereby it accepted the Minority "Ought not to pass" Report. All in favor of reconsideration will say yes; those opposed will say no.

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

The S P E A K E R : The C h a i r recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY : Mr. Speaker, I move we reconsider our action on item one under divided reports.

The S P E A K E R : The gentleman from Durham, Mr. Tierney, moves the House reconsider its action of earlier in the day whereby we accepted the Majority "Ought not to pass" Report on Bill "An Act Relating to Keeping of Records on Use of County-owned Vehicles," House Paper 875, L. D. 1163.

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

Mr. CARRIER : Mr. Speaker, I move this be tabled one legislative day.

Thereupon, Mr. Simpson of Standish requested a vote on the tabling motion.

The S P E A K E R : The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this matter be tabled for one legislative day, pending the motion of Mr. Tierney of Durham to reconsider. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the Hose was taken.

46 having voted in the affirmative and 74 having voted in the negative, the motion did not prevail.

The S P E A K E R : The pending question is on the motion of the gentleman from Durham, Mr. Tierney, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report.

Mr. Simpson of Standish requested a vote on the motion.

The S P E A K E R : The C h a i r recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN : Mr. Speaker and Ladies and Gentlemen of the House: The reason I asked for this

is because it is my bill and I wasn't here in time because I was at a meeting and I wanted to be able to at least speak on this. And also, Mr. Dyar who is a member of the minority "ought to pass" report is not here and I was hoping he would be able to speak on it.

This particular bill is An Act relating to the Keeping of Records in the Use of County-owned Vehicles. All I am attempting to do on this is, the vehicles that are owned by various counties in the state, many of these come under the Sheriff's Department. They are L.E.A.A. funded vehicles. All I am asking for is that records be kept and be given to the county commissioners so that an accurate record of the use of the vehicle, the driver, the reason they were used and everything be kept.

Now the only opponent to this particular piece of legislation was one of the sheriffs and he said he is doing this already, and I really couldn't figure out why he was opposed to this if he is doing it already. If he is doing it, then it wouldn't affect him at all. This is only to affect those who aren't doing it so that when the legislature, when it comes time for us, for the various county delegations to pass on the budgets each time that we do it, we would have some basis for determining whether or not the vehicles that we are funding are used properly and are actually needed. That is all.

To me it is just a — we do with all the state vehicles. If anybody has worked for a company and they use their own car they are supposed to keep records. To me it is just a routine matter and is just good governmental practice.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: As one of the signers of the minority report, I sat through this bill and listened to the testimony on both sides. The fact that the only member — there was only one opponent to the bill and he said he was speaking for the sheriff's associations. Now I would like to know why it is so objectionable

to the sheriff's associations to keep records on the vehicles that they own when this particular sheriff who was speaking said that he already did this. And I pointed out to him if he was in the practice of keeping records on his vehicles, then he shouldn't be opposed to enforcing the same regulation on all counties.

It isn't a matter of trying to get into county government and trying to limit county government, but certainly there are some people here who would like to kill county government and do away with it immediately, and then there are others here who would like to strengthen it. Well, this will not kill county government but it will strengthen it. If the people don't have any faith in county government, one of the reasons is because they, maybe some people can take first-hand knowledge in the misuse of county-owned vehicles.

Now with many of the federal programs providing L.E.A.A. cars to many of the sheriffs and their deputies, these cars are being used to serve summonses. They are used for one hundred percent personal use and if the county is paying for the gas and the property taxpayers in your municipalities throughout the county are paying for these vehicles, the operation thereof, then it is only fair that we consider that we do this on an equitable basis.

There is nothing objectionable about this particular bill. As a matter of fact, I wish that we could impress on the other members of the committee, the committee was not signing the "ought not to pass" report because they didn't believe in the legislation, they just took the word of the sheriff who spoke against the bill by saying that he already did it. Therefore, I think that the majority of the committee would have looked at it and said well, if they are already doing it there is no need for legislation. But the truth of the matter is, they are not already doing it in all cases. In some cases, yes. If there is going to be any uniformity in county government let's take the first

step and let's give all the counties something that they can live with.

The format of the bill is that they must register when they get into the vehicle, who is driving the vehicle, where they went, the date, the mileage and the reason of use. And to me there was nothing objectionable about that. There isn't one company who pays mileage that would pay you mileage just on your word. So consider that, please, and I hope you will vote to reconsider so that we can then move to accept the minority "ought to pass" report.

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

Mr. DAM: Mr. Speaker and Members of the House: As a signer of the majority "ought not to pass" report, I will speak very briefly on this bill.

In the first place, this goes right back to maybe a few people, a few county commissioners not doing their work, but this bill would not take care of their problem because if you read the bill you will see where it says the record of each county department shall be submitted to the county commissioners for their inspection at their monthly meetings. Now if the county commissioners are doing their job now, they already have these records. And I am pretty sure that most of the counties are keeping accurate records of the mileage and the use of the vehicles.

Now the other thing is that it says the use of the county vehicle for other than county business shall result in a charge of 20 cents per mile to the person so operating it. All right, this means the county is going into the rental business, renting cars out at 20 cents a mile. There is nothing in this bill that says where this money is going to go or who is going to collect this money. And I don't think that this should even be in the bill to begin with, this 20 cents a mile business for renting the cars out.

And the other thing, I don't think the legislature again, should start imposing any hardships or any regulations on the commissioners that are already doing their job,

and most of them are doing their job.

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

Mr. CHURCHILL: Mr. Speaker and Ladies and Gentlemen of the House: Sheriff Sharp was the spokesman for the sheriff's association and he made an excellent presentation. And he stated that all these sheriffs keep a log and they each sign out these vehicles in the morning when they go in. And how would you know, a man went on a personal trip, a few extra miles, if he went out to check a breaking and entry charge, he could very easily make an added trip home for a cup of coffee or whatever, or wherever he wanted to go and there still would be no way of knowing where the sheriff went or deputy went. I believe Sheriff Sharp spoke very well and there were several sheriffs there but they did not speak. I regard this man very highly and I think that we all should take his word for this, that this bill was unnecessary.

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

Mr. McMAHON: Mr. Speaker and Members of the House: I signed the majority "ought not to pass" for the reasons that Mr. Dam explained and one other. This seemed to me to be the type of housekeeping or managerial function that the county commissioners should instigate themselves from the local level. I am as interested as Mr. Whitzell in county government reform, if that is the word, but I think this is nit-picking, this bill.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: One thing, if we did pass this reconsideration motion that I would attempt to do, would be probably add an amendment that would delete this 20 cents per mile. After talking with a few people I think that perhaps this is probably not right.

I would also like to say, at least go on the record, in case anybody

is thinking this, that I am not on any witch hunt or anything. In fact our county, York County doesn't even have any county vehicles. I just basically introduced this just as a good government or house-keeping type of measure and I hope everybody would go along with the reconsideration motion.

The SPEAKER: The pending question is on the motion of the gentleman from Durham, Mr. Tierney, that the House reconsider its action whereby it accepted the Majority "Ought not to pass" Report. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

Consent Calendar First Day

(S. P. 91) (L. D. 237) Bill "An Act Relating to Appointment of Complaint Justices in the District Court" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-52)

(S. P. 133) (L. D. 345) Bill "An Act Relating to Fines Levied by the Harness Racing Commission" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-51)

(S. P. 215) (L. D. 631) Bill "An Act to Amend the Savings Bank Law" — Committee on Business Legislation reporting "Ought to pass"

(S. P. 281) (L. D. 828) Bill "An Act Creating Regional Library Systems" — Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" (S-53)

(H. P. 653) (L. D. 867) Bill "An Act Revising Certain Motor Vehicle Laws" — Committee on Transportation reporting "Ought to pass" as Amended by Committee Amendment "A" (H-)

(H. P. 767) (L. D. 1000) Bill "An Act Relating to Membership on the Lewiston-Auburn Water Pollution Control Board" — Committee on Natural Resources reporting "Ought to pass"

(S. P. 351) (L. D. 1048) Bill "An Act Relating to Movement of Over-size Loads on Highways" — Committee on Transportation reporting "Ought to pass"

(S. P. 372) (L. D. 1098) Bill "An Act Revising the Law Relating to Dealers in Securities" — Committee on Business Legislation reporting "Ought to pass"

(H. P. 1064) (L. D. 1388) Resolve to Reimburse Vivian Morrison of Dixfield for Property Damage by Highway Construction — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1095) (L. D. 1432) Bill "An Act Relating to Name of Maine Commercial Fisheries" (Emergency) — Committee on Legal Affairs reporting "Ought to pass"

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

Consent Calendar Second Day

(S. P. 105) (L. D. 250) Bill "An Act Relating to Purchase of Blind-made Products by State and Political Subdivisions" (C. "A" S-49)

(S. P. 269) (L. D. 794) Bill "An Act Providing Funds for Treatment of Cystic Fibrosis" (Emergency)

(H. P. 789) (L. D. 1025) Bill "An Act to Increase Examination and Registration Fees for the Board of Examiners of Psychologists" (C. "A" H-154)

(S. P. 367) (L. D. 1081) Bill "An Act Providing Funds for a Fishway at Pitcher Pond in Lincolnville"

(S. P. 433) (L. D. 1338) Resolve "Providing Funds for Portrait of Honorable Margaret Chase Smith"

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

(S. P. 434) (L. D. 1339) Bill "An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority" (Emergency)

On the request of Mr. Simpson of Standish, was removed from the Consent Calendar's Second Day list.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

Passed to Be Engrossed

Bill "An Act Relating to Control of Outdoor Advertising" (H. P. 274) (L. D. 380) (Emergency) (C. "A" H-147)

Bill "An Act Relating to Permanent Compensation for Particular Injuries under the Workmen's Compensation Law" (H. P. 748) (L. D. 961)

Bill "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law" (H. P. 598) (L. D. 789)

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

Resolve Providing Funds for Shalom House, Inc. a Halfway House in Portland (H. P. 848) L. D. 1122)

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

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

Mr. SPROUL: Mr. Speaker and Members of the House: On this particular bill I thought I should bring you up to date. I was the sole member signing an "ought not to pass" report on the Appropriations Committee. This bill was presented by Mrs. Wheeler of Portland. I feel that she is very sincere and dedicated. The people who appeared before the committee were unanimous that this group was doing a fine job, but I have been requested to state my position in signing that minority report and I think perhaps I should do that.

What bothered me was the fact that two years ago, as I understand it, this House voted some \$35,000 to this corporation to start up this operation. From those funds they purchased the real estate in Portland, and according to the testimony before our committee, although the budget from this House was marked from this corporation, the operation, the budget figures were not available. The gentleman could not give them to us except in a general rough way and didn't know how accurate they were.

But it appeared that roughly 90 percent of the funds for this operation is coming from the State of Maine and the rest from organizations, nonprofit organizations in the Portland area. And part of these funds are from the State Mental Health and Corrections where they are paying for the services offered for some of the people that are released from our institutions and placed there in a halfway house. So the thing that really bothers me is that we are taking 85 to 90 percent somewhere of State funds for an operation of a nonprofit corporation completely outside the control of state government and we are taking a major portion of those funds to buy the real estate and then this appropriation, I understand some \$15,000, the bill says all \$20,000 would go for repairs of the House. So my question was very simply, what would happen if this corporation went out of business? The major portion of the state's appropriation would go for the real estate and improvement of it and belong to an outside corporation. And I just wanted to make that point clear for your consideration.

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

Mrs. WHEELER: Mr. Speaker and Members of the House: Shalom House is a halfway house in Portland. It is designed to operate on a self-sustaining basis, but in order to meet safety standards certain capital improvements must be funded. It is the purpose of this legislation to provide the sum of \$20,000 for assistance in renovating the exterior of the structure.

This service has proven to be of valuable assistance to those in our society who unfortunately have been institutionalized. It offers these patients an opportunity to reestablish themselves as a normal member of the community.

I urge this body to give favorable consideration to this humane project.

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

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

house: The Appropriations Committee reported this out majority "ought to pass." I think Mr. Sproul indicated we all were impressed with the testimony of the people in the area and the people that were familiar with the program. It seems to me that the major beneficiary of the activities of this halfway house is the State of Maine, because there is no question that our course of supporting people involved here is lessened if the activities of this house are successful. So we regarded the amount of money that is being asked for by this activity as modest in relation to the very obvious benefit that the state receives from the activities of the house. So I urge you to support the measure.

Mrs. Wheeler of Portland requested a roll call vote.

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: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor of this being passed as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen,

Haskell, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Dudley, Dunn, Henley, McCormick, Pratt, Shaw, Sproul.

ABSENT — Bragdon, Bustin, Dyar, Hancock, Herrick, Hodgdon, Jacques, Kelleher, Mulhern, Santoro, Stillings.

Yes, 132; No, 7; Absent, 11.

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

The Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area. (H. P. 462) (L. D. 611) (H "A" - H-43)

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

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and I would like to speak to my motion.

The SPEAKER: The gentleman from Fryeburg, Mr. Trumbull, moves the indefinite postponement of L. D. 611 and all accompanying papers.

The gentleman may proceed.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I do not come here today

to argue the merits of this airport, the site or anything else. I come here today to argue dollars.

There is an appropriation for the total cost of this airport by three different methods running \$430,000. I found out yesterday that this is \$320,000 short of what it is estimated by an official from E. C. Jordan Company that it will cost to build this airport.

At the present time the land has not even been acquired for this. There is no authority to handle it and it just seems to me that this is a ridiculous piece of legislation to have before us when the preliminary homework is not done. You do not build a house from the roof down. You build it from the bottom up.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Members of the House: This is a surprise, and the information that he obtained yesterday came from a person probably who doesn't know any more about engineering than I do. These figures were obtained by engineers who are trained for that purpose. And why they oppose it, I will never know because as far as I am concerned, economic benefits in one end of the county helps all the county as well as the state.

I ask for a division — I ask for a roll call on that motion.

The SPEAKER: The gentleman from Mexico, Mr. Fraser, requests a roll call. 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 Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: Just two minutes of your time. I opposed this before. I still will vote for indefinite postponement, mainly for

the same reasons as my friend, Mr. Trumbull of Fryeburg, has stated; and secondly, for the fact that there is such a tremendous group of people in the area that have opposed it since the original hearing. I still have nearly a hundred letters in this briefcase all opposing it and one letter for it.

So, I would feel that that, based on the fact that they do not have a down payment on their airport — because they have done nothing in the area but dream about it and taken a few surveys. There isn't a bit of land turned and there isn't anything but a few borings. They do not control the land yet and consequently I feel that in some other session of the legislature, they would be far better off to try to get their money for this airport. I hope you would support the indefinite postponement of this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Fryeburg, Mr. Trumbull, that L. D. 611, "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area and all accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Briggs, Cameron, Chick, Cressey, Curtis, T. S., Jr.; Davis, Deshaies, Dunn, Emery, D. F.; Farnham, Flynn, Gahagan, Garsoe, Hamblen, Henley, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Knight, Lewis, J.; Littlefield, MacLeod, Maxwell, McCormick, McKernan, McMahon, McNally, Merrill, M u r c h i s o n, Parks, Perkins, Pratt, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Tanguay, Trask, Trumbull, Walker, White, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Brawn, Brown, Bunker, Carey, Carrier, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Dam, Dow, Drigotas, D u d l e y, Dunleavy, Evans, Farley, Faucher, Fecteau, Finemore, Fraser, Gauthier, Genest, Goodwin, H.;

Goodwin, K.; Greenlaw, Haskell, Hobbins, Jacques, Jalbert, Kelley, R. P.; Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, Maddox, Mahany, Martin, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Morton, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pontbriand, Ricker, Rolde, Ross, Sheltra, Smith, D. M.; Smith, S.; Soulas, Strout, Susi, Talbot, Theriault, Tierney, Tyndale, Wheeler, Whitzell.

ABSENT — Bragdon, Bustin, Donaghy, Dyar, Farrington, Ferris, Good, Hancock, Herrick, Hodgdon, Kelleher, Mulkern, Santoro, Webber.

Yes, 55; No, 81; Absent, 14.

The **SPEAKER**: Fifty-five having voted in the affirmative and eighty-one having voted in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Creating a Standardbred Breeders and Owners Development Fund of Maine (H. P. 518) (L. D. 683)

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

The **SPEAKER**: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. **LAWRY**: Mr. Speaker and Ladies and Gentlemen of the House: I would like to move that this bill and all of its accompanying papers be indefinitely postponed. My reasons for this are there is a \$50,000 price tag on this bill, which went through under the Consent Calendar. With all the needs of the state, I don't see how we can, in good conscience, justify the spending of this money when there are so many areas where the money is much more necessary.

Also, just so we can be recorded, I would like a roll call vote.

The **SPEAKER**: The gentleman from Fairfield, Mr. Lawry, moves the indefinite postponement of L. D. 683 and all accompanying papers.

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

Mr. **NORRIS**: Mr. Speaker, I don't see the sponsor of that bill in the House so I would hope somebody would table it for one legislative day, please.

On motion of Mr. Finemore of Bridgewater, tabled pending the motion of Mr. Lawry of Fairfield, to indefinitely postpone and specially assigned for Monday, April 9.

An Act to Exempt Methods of Payment for Laboratory Services provided to Persons Outside of the State (S. P. 242) (L. D. 693) (C. "A" -S-42)

An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls (S. P. 276) (L. D. 764)

An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County (H. P. 578) (L. D. 770) (C. "A" H-128)

An Act Relating to Recording Municipal Ordinances Relating to Land Control (H. P. 858) (L. D. 1001)

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.

Enactor

Tabled and Assigned

An Act Relating to Taxation of Farmland (H. P. 773) (L. D. 1007)

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

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

An Act Relating to Management and Maintenance of State of Maine Building at Eastern States Exposition (H. P. 780) (L. D. 1012) (S. "A" S-48)

An Act Providing for Mandatory Retirement for Teachers (H. P. 834) (L. D. 1093) (H. "A" H-144)

An Act Relating to Resetting, Tampering or Disconnecting Odometers on Motor Vehicles (H.

P. 896) (L. D. 1183) (C. "A" H-130) (H. "A" H-142)

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.

Finally Passed

Resolve to Reimburse Audrey G. Pray of Hersey for Loss of Poultry by Foxes (H. P. 554) (L. D. 734)

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

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I speak against L. D. 734. This had a fair hearing in our room of Legal Affairs. It came out of our room 11 to 2, "ought not to pass."

Since I debated that here the other day on the floor, I have tried to do a little homework. I checked with one raiser who raises 685,000 laying hens. I daresay he is probably the largest raiser in the State of Maine. He has as many replacements on the range and more than he does laying hens. He is bothered by foxes. He has to hire a full-time man to shoot these foxes.

He tells me that these foxes are very wary. They will grab one hen and unless they are really frightened, they won't drop that hen. They will go to the woods. He has never seen a group of hens left by any fox.

Now, the main reason that I oppose this, this man has paid thousands of dollars to have these foxes killed and I assure you that if we pay for a bill here that we did not have the proof that foxes did it in the first place — the second place, they are not protected. You are opening up an avenue here for thousands and thousands of dollars so that this man can enter a bill.

This makes me think back when I was a young fellow going to school. We had a teacher. I admired that teacher. She had on the board a motto. It said that — and I will never forget it —

That day lost when low descending sun

Views from thy hand no worthy action done.

She also told us, "If you owe a bill, if it is one cent, you pay it. If you don't owe it, don't pay it. Fight." And that is what I am doing here this morning. This is taxpayers' money and I have got to help pay this bill and I will remember what that teacher said, don't pay it if you don't owe it. I ask when the vote is taken, it be taken by the yeas and nays.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: The report came out of the Legal Affairs Committee, as the gentleman from Oakland indicated, 11 to 2 "ought not to pass." I signed the "ought not to pass" report and changed my mind and moved for the "ought to pass" report.

This is a matter to pay a poor woman in Island Falls \$106. There is no great expense to the State of Maine and we have wasted more time this morning and more expense by arguing over a foolish \$106 for a poor woman than the argument itself is worth.

So, I would certainly hope that you would vote to pay \$106 to an unfortunate woman in Island Falls.

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

Mr. BRAUN: Mr. Speaker, I now move for indefinite postponement of this resolve and all its accompanying papers.

The SPEAKER: Does the gentleman request a roll call on that motion also?

Mr. BRAUN: Yes, Mr. Speaker.

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 Oakland, Mr. Brawn, that L. D. 734, Resolve to Reimburse Audrey G. Pray of Hersey for Loss of Poultry by Foxes and all accompanying papers be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Brawn, Carey, Dow, Dunn, Faucher, Gauthier, Jackson, McHenry, McNally, Pontbriand, Shute, Tierney.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Briggs, Bunker, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunleavy, Emery, D. F.; Evans, Farnham, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Henley, Hobbins, Hoffses, Huber, Hunter, Immonen, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McKernan, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shelta, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Strout, Susi, Talbot, Tanguay, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Bragdon, Brown, Bustin, Cressey, Dyar, Farley, Farrington, Goodwin, H.; Hancock, Haskell, Herrick, Hodgdon, McMahon, Mills, Mulkern, O'Brien, Santoro, Silverman, Stillings.

Yes, 13; No, 118; Absent, 19.

The SPEAKER: Thirteen having voted in the affirmative and one hundred eighteen having voted in the negative, with nineteen being

absent, the motion does not prevail.

Thereupon, the Resolve was finally passed, 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:

Joint Order relative to Maine State Retirement System (H. P. 1387)

Tabled — April 2, by Mr. Birt of East Millinocket.

Pending — Passage.

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

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

Joint Order relative to Legislative Research Committee to Study Personnel Law (H. P. 1388)

Tabled — April 2, by Mr. Birt of East Millinocket.

Pending — Passage.

On motion of Mr. Simpson of Standish, retabled pending passage and tomorrow assigned.

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

Bill "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor" (H. P. 828) (L. D. 1087)

Tabled — April 2, by Mr. Haskell of Houlton.

Pending — Motion of Mr. Kelleher of Bangor to accept "Ought to pass" report.

On motion of Mr. Emery of Rockland, the Report and Bill were recommitted to the Committee on Legal Affairs and sent up for concurrence.

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

Bill "An Act Relating to Bilingual and Bicultural Education" (S. P. 62) (L. D. 165)

Tabled — April 2, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mr. Martin of Eagle Lake, tabled pending

passage to be enacted and later today assigned.

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

Bill "an Act Appropriating Funds for Public Housing Authorities for Operating Subsidies" (H. P. 1365)

Tabled — April 3, by Mr. LaPointe of Portland.

Pending — Reference.

On motion of Mr. LaPointe of Portland, referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

Bill "An Act to Clarify and Simplify the Administration of the Mechanic's Lien Law" (H. P. 1361)

Tabled — April 3, by Mr. Emery of Rockland.

Pending — Reference.

On motion of Mr. Martin of Eagle Lake, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

Resolution, Proposing an Amendment to the Constitution to Provide Single Member Districts, Apportion and Reduce the Number of Legislators in the House of Representatives; Increase the Terms of Senators; Abolish the Executive Council and Re-assign its Constitutional Powers; Provide for Annual Sessions of the Legislature; and Provide for Appointment of the Attorney General, Secretary of State and Treasurer by the Governor (H. P. 1354)

Tabled — April 3, by Mr. Cote of Lewiston.

Pending — Reference.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: In looking over this resolution, I find that it is covered by other legislation put in by other individual members. Now if this

resolution is printed, is sent up between both Houses, back and forth, and has a hearing, it is my understanding, to the best of my knowledge, that it will cost some \$5,000. And as it is covered by other legislation, I move the indefinite postponement of this resolution.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion. I think we would be setting a very dangerous precedent if we were to indefinitely postpone an item prior to it being referred to committee, regardless of what happens to be in the item. I made a few checks as to whether or not everything was indeed introduced. There are at least two items in here that have not been priorly introduced — if that's a proper adjective, and I expect it isn't.

I would make the suggestion to the members of the House that this particular bill, if you just look at the bill that the Clerk is holding, is not a very thick bill. When we talk about cost of printing, we are talking about bills which are running some 150 to 200 pages. Unfortunately, I happened to have one of those that was referred this morning and there are a couple of bills that deal with all of the constitutional questions in reference to the Executive Council that have a large number of pages, but this bill does not. This would be no more than a regular bill. I really think that if we determine that we are going to kill a bill prior to being referred to committee, we are setting a very dangerous precedent. This is something we have never done before. And I would ask you to vote against the motion and would request a division.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I still maintain that these bills are already in committee and nothing stops the State Government Committee from incorporat-

ing all these bills together and reporting them at a later date. Now this is duplication in my opinion, and I feel the cost of printing and everything else costs a lot of money.

And something else, this is not granting a precedent, it's been done before, I have been here for 20 years and I have seen it done before.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This could be fun for us all over, but I just do want to point out that in terms of duplication that the gentleman from Lewiston, Mr. Cote, introduced a bill dealing with raising the governor's salary when another bill was already on the table in the Senate pending enactment for final enactment, so there is obviously the possibility — there is always duplications. Since we don't have the system where we can jointly sponsor legislation, this is bound to happen.

There are certain things in here that have not been referred. I do think it would be a bad precedent to start, to kill a bill before it is referred. If it happened, I guess it happened before my time.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I agree with Mr. Cote, it has happened before. I have seen it happen at least twice. But what we do not think of is, that since the committee has most of these bills, if not all of them but most of them, they can come out with a redraft including them all. And I certainly think that this would be a waste of money to put this through.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I too have been here for some time and I have seen this happen more than two times, as a matter of fact, many times. I

think Mr. Cote is right. This should be indefinitely postponed as other action can be taken. It can be amended in committee. It can be rewritten into one of these other bills. There are numerous ways to take care of it and I can assure you that Representative Cote is correct and I hope you will support his motion.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Cote, that this Bill be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Resolution was referred to the Committee on State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the eighth tabled and today assigned mater:

Bill "An Act Permitting a Dollar Check-off on Income Tax Returns for Election Campaign Fund" (H. P. 1010) (L. D. 1324)

Tabled — April 3, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Mr. Ross of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-155) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Members of the House: This particular bill, number 1234 is one of two relating to the one dollar check-off on income tax returns to be used for the benefit of the candidates of both political parties. The other one, 439, which was tabled for tomorrow and it only refers to persons receiving refunds. It would exempt 146,000 persons. This bill allows only those who have a tax liability and does not mention refunds. This would exempt 250,000 persons.

Since the purpose of this bill mentioned by both sponsors, one

a Republican and one a Democrat, said it would allow all persons a chance to feel that they are participating. I have offered this amendment which does two simple things.

In section 1411 it adds the words "or refund". In section 5283 it crosses out the phrase "other than a nonresident alien" who might be anybody and adds again the words "or refund." In other words, this combines the best provisions of both bills. And if we are going to accept one, I would think that this would be the logical choice and I move the amendment be adopted.

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

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: In reference to the amendment that Mr. Ross just offered, my interpretation of the way the bill would work, I don't believe the amendment is necessary.

I think Mr. Ross's intentions are good. He is trying to marry the two bills but I really don't think that that would be a workable situation. I have talked to the sponsor of the other bill and I believe he would agree with me. The bill that we have before us would allow a dollar check-off and it would come from your tax liability. Now this doesn't mean that — this means that anyone that pays at least a dollar of income tax a year would be eligible to participate in this program. This doesn't mean that those that require paying the state towards the payment of their whole tax. What I am trying to say is, those who are receiving a refund would be able to participate and all those who are paying a dollar's worth of income tax would be able to participate.

If this amendment passed we would, besides asking people whether they wanted to participate they would have to check off yes or no, we would also have to ask them where they would like the dollar to come from, their tax liability or their refund. I think that this would pose a number of problems to the Department of Taxation and cause a greater

increase in the administration costs. The amendment would not allow any more people to participate than those who can participate now. So I would urge you to vote against the adoption of this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

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

Mr. ROSS: Mr. Speaker and Members of the House: Since this is a very confusing situation, since I don't believe that it would bring in much money, either one of the bills, or serve the purpose intended, and since the amendment was not adopted, I certainly am not a bad loser — I don't mind if the amendment wasn't adopted or not — but I am not too sold on either one of the bills, I now move the bill be indefinitely postponed.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not too much in favor of either one of these bills. For one reason, the one who is paying under it with his liability, the liability would be paid by the state. The other would be taken out of his refund. So therefore one is paying it himself and the other is being paid by the state. So I am not too much in favor of this bill. I hope that you go along with the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker and Ladies and Gentlemen of the House: I am against both of these bills. I don't think there is money enough involved from each contributor to amount to anything. So I think that we had better go

along with Mr. Ross and indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker and Members of the House: I don't know whether it has been brought to the attention of some of the members or not, but one of these bills, if you enact it, it means quite a substantial loss of revenue to the state and I think you should be giving that serious consideration when you act upon it.

I, as some of the others, have not been in favor of either of these bills. I do not believe that they are in the best interest of the people of the State of Maine or either political party. And I would heartily endorse the motion of the gentleman from Bath, Mr. Ross that it be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentlclady from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I hope you do not go along with the indefinite postponement of this bill. Possibly it won't generate too much money, but whatever money it does generate is more than the parties have at this time. It gives the person a chance to donate a dollar that might not be contacted any other way, and I believe then they will feel more a part of the system.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I support a motion to indefinitely postpone, and my basic reason was, I understood it would be amended to say who was going to get the dollar. In other words, I understood that it would be the three major candidates running for office of the political party of your choice but it doesn't seem that it is that way and we wouldn't accept this other amendment. I don't believe it would generate that much money, just a lot of confusion, so I would support the motion at this time to indefinitely postpone.

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

Mr. HAMBLÉN: Mr. Speaker could I pose a question to someone? The way I read this bill is that everyone that pays a tax in the State would be contributing a dollar.

The SPEAKER: The gentleman from Gorham, Mr. Hamblen poses a question through the Chair to anyone who may answer if he wishes.

The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, anyone who pays the tax, an income tax of a dollar or more to the state would be eligible to check off a dollar. It doesn't necessarily mean that everyone who pays a tax would be participating, if that answers his question.

I would like to make just a few comments. Some people say the reason we ought to kill this is that it won't raise any money and another person will get up and say we ought to kill this bill because it is going to be a great raid on the treasury of the state. I think that, you know, what we are talking about are those who are opposed to it have two real divergent views and I think I will take the middle road. No one knows how much money this will create. All we are asking for is an opportunity for those citizens of the state who aren't going to be approached by the parties or the fund raisers of the political parties to donate \$10, \$25, \$50, or \$100, \$150 or \$500 or \$1,000. We are talking about those people that we all realize can't make those donations but would be willing to make a donation of a dollar to the party.

As far as I am concerned, I think it is much better to be backing candidates by small donations and a number of people than to have candidates indebted to one or two or a hundred big donations.

So I would encourage you to vote against the motion for indefinite postponement and let this method of financing political campaigns have a try. We won't know until

the people in the state reject it themselves. If they say we don't want to participate that way then we will know, but there is nothing that has been presented here or there is nothing that can be presented that would prove one way or another.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I can't help opposing the principle behind this bill. I have no objection to any individual contributing a dollar to a political campaign. Under this bill, if I understand it correctly, he is contributing state dollars to a political campaign and this philosophy I do not buy. I have to oppose this bill.

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

Mr. ROSS: Mr. Speaker and Members of the House: To answer a question which hasn't fully been answered. No, all persons who file an income tax would not have an opportunity to pay because 125,000 persons in the state who file an income tax get it all back, so they have no tax liability. We have over 300,000 people filing a tax in the State of Maine. Of course, if they all gave a dollar that would be \$300,000. Mr. Johnson estimates that probably there would be a loss to the state of between thirty and forty thousand dollars a year under this particular bill.

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

Mr. SHAW: Mr. Speaker and Ladies and Gentlemen of the House: The Federal Government does have a bill like this and the last figures I saw, approximately ten percent of the people putting in returns were taking advantage of it. Now if 90 percent of the people are not in favor of this legislation, I think it is bad legislation.

Mr. Ross of Bath requested a roll call vote.

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 Bath, Mr. Ross, that Bill "An Act Permitting a Dollar Check-off on Income Tax Returns for Election Campaign Fund," House Paper 1010, L. D. 1324, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Chick, Churchill, Conley, Cote, Cressey, Crommett, Davis, Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Farley, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Genest, Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Maxwell, McCormick, McMahon, McNally, Merrill, Morin, L.; Morton, Murchison, Norris, Palmer, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Trask, Trumbull, Tyndale, Walker, Wheeler, White, Willard, Wood, M. E., The Speaker.

NAY — Berry, P. P.; Binnette, Boudreau, Carrier, Carter, Chonko, Clark, Connolly, Cooney, Cottrell, Curran, Dam, Deshaies, Dow, Drigotas, Dunleavy, Faucher, Fecteau, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Mahany, Martin, McHenry, McKernan, McTeague, Mills, Morin, V.; Murray, Najarian, Peterson, Rolde, Sheltra, Smith, D.M.; Smith, S.; Snowe, Talbot, Theriault, Tierney, Webber, Whitzell.

ABSENT — Albert, Bustin, Curtis, T. S., Jr.; Dyar, Gauthier, Good, Hancock, Henley, Hodgdon, Mulkern, O'Brien, Santoro.

Yes, 87; No, 52; Absent, 12.

The SPEAKER: Eighty-seven having voted in the affirmative and fifty-two having voted in the negative, with twelve being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, having voted on the prevailing side on the last item, eight, I move we reconsider our action whereby we indefinitely postponed this bill and I hope everyone votes against me.

The SPEAKER: The gentleman from Camden, Mr. Hoffses, moves the House reconsider its action whereby it indefinitely postponed item 8. Those in favor of that motion will say yes; those opposed will say no.

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

The Chair laid before the House the ninth tabled and today assigned matter.

Bill "An Act Amending the Law Relating to the Provision of Housing and Meals to State Employees" (H. P. 1021) (L. D. 1344)

Tabled — April 3, by Mrs. Berry of Madison.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: I am quite concerned about this bill. I know there are many who are not getting their room and board now that deserve it. But I am not too particularly happy about some of these people who are getting \$25,000 and \$30,000 a year, getting their homes and board for nothing.

I was hoping that I could work a little on this yesterday, but the feud between the barbers and the beauticians kept us in hearing until late last night and I haven't had a chance to.

I would like to have it tabled a couple of more days if possible.

On motion of Mr. Simpson of Standish, retabled pending passage to be enacted and specially assigned for Monday, April 9.

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

Bill "An Act Relating to the Rights of a Person under Guardianship to Vote" (H. P. 723) (L. D. 929)

Tabled — April 3, by Mr. Martin of Eagle Lake.

Pending — Acceptance of Either Report.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House; Briefly, I would like to explain this bill to you. At the present, persons who are under guardianship may not vote until they are no longer legally required to have a guardian. This bill would allow such individuals to vote, if, on election day, they present to the warden a letter of affirmation that has been signed by the guardian attesting to the mental comprehension of the person under guardianship saying that he does have sufficient mental comprehension to vote knowledgeably. The letter can be dated no more than ten days prior to the time of the election.

As I understand the major objections in the committee, it was first that the bill only affected a small number of people. I would like to point out that information we have received from the D.A.V.'s national service office in Togus shows that there are at least 475 veterans in the State of Maine who would be eligible for consideration were this bill to go into effect. And this only deals with the number of veterans in this state. The second major objection to the bill was that it may be difficult for guardians to attest to the mental comprehension of their wards.

In answering that objection, I would point out first of all the most prevalent reason for placing people under guardianship is because of financial ability or financial

incompetence and not the fact that most guardians or people under guardianship are not able to make reasonable decisions over most other matters.

I would like to point out that it is part of the responsibility of a guardian to attest to the mental stability of the person under his ward in a number of other areas when he has to make decisions about the finances of that person.

Finally, I would like to point out that a guardian can request that his ward submit to a psychiatric examination, if he feels it necessary, prior to the time he signs the letter of affirmation. If you were to keep this bill alive today, I am prepared to introduce an amendment at the appropriate time that would more clearly spell out the responsibilities of the ward to have a psychiatric examination.

In closing, I would just like to say that this bill won't cost the state any additional money nor will it produce any undue strains and stresses on the election system. But it will give certain individuals the opportunity to vote. I would move acceptance of the minority "ought to pass" report, and I request a division.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This came before the Election Laws Committee and it was reported out all in the affirmative except one that it should not pass. A person under guardianship may vote now unless the guardianship is due to mental illness. And the committee did not feel that the mentally ill should vote or could vote intelligently.

Now there were only two people in favor of this, Mr. Connolly, and he had with him another gentleman from Portland who has been a veteran and he cannot vote now because he has been in a mental hospital and so forth. But he did not impress us as a person who was now mentally ill. I think that person should be able to vote. But he could petition the court to get himself removed from guardianship. That we are sure of.

Just to say that all of the mentally ill should be allowed to vote, the Election Laws did not believe that that was a sensible approach and I move that the bill be indefinitely postponed.

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

Mr. CONNOLLY: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to point out to Mr. Ross that this bill would not make carte blanche decisions for people who are mentally ill to vote. It would require them to go through a process whereby the guardian and probably a psychiatrist would have to attest to the fact that the person is, at this point in time or at the point in time of the election, capable of making certain lucid decisions.

It deals with the fact that people who have been declared mentally incompetent do have periods of lucidity and at other times they do not and that if a person is in such a state at the time of an election, that he should be allowed to vote.

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

Mr. TALBOT: Mr. Speaker and Ladies and Gentlemen of the House: I guess I am the one that voted in the minority. I was not supposed to say minority, but I'm "the Lone Ranger." The person who did come to the hearing to testify in behalf of the bill was a gentleman from Portland and I have to disagree with the gentleman from Bath, Mr. Ross, that he didn't impress the committee. I think he impressed the committee so much that Senator Shute wanted to have him for his re-election campaign.

I will give you a little background on the story. The gentleman from Portland who can't vote because he is under guardianship, I think does as much work — more work in fact — than most people in the Portland area, insofar as election campaigns are concerned. He is one of the hardest workers I know of and probably one of the main reasons why most of us are sitting in the House

today. He is very knowledgeable, very intelligent and very capable. But because he has been in a mental institution, he is incapable now of exercising the right that he has, the right that controls this country anyway and that is the right to vote. That has been denied him. And I think — in my opinion at least — that there were more committee members on the Election Laws Committee that were in favor of this piece of legislation but who signed the majority "ought not to pass."

I did sign the minority "ought to pass" so that the bill would come up so that we could have a little bit of discussion on it. I do think that we are disenfranchising some people in the State of Maine insofar as their voting privilege and their voting rights are concerned.

I would hope that you vote against the motion to indefinitely postpone and would accept the minority — again, the minority report.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker and Ladies and Gentlemen of the House: I was at the hearing and I saw the gentleman. I couldn't see any reason why he couldn't go to the proper officials and get reinstated as a citizen with the right to vote. He certainly gave good testimony in front of the committee. But as far as people who are in institutions, mental institutions, voting, I can't go along with that.

I am in favor of the indefinite postponement of this legislation.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker and Ladies and Gentlemen of the House: I am a member of the Election Laws Committee. I was at the hearing when the gentleman in question testified and I think I can honestly say that every member of the committee there was tremendously impressed with the man's ability. And I believe firmly — and I think that our chairman also believes — that were this individual to apply to

the courts, that he could very well be relieved of the guardianship and would receive all of the rights of anyone else to vote.

Now this could establish a precedent which, I think, might be dangerous. The Committee, with the exception of one member, felt that this was an unusual case and that the courts could undoubtedly correct this situation, if such does exist, and that this man would be granted full voting rights.

To use this one individual as an exception to establish a precedent, the overwhelming majority of the committee felt that we should not pass this legislation and I certainly hope the members of this House will vote to indefinitely postpone this bill.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: It is on a very rare occasion that I will agree with my friend from Bath, Mr. Ross, but this morning, as I have stated at the committee meeting, I felt that this man who had testified before us was very very well qualified; but as I could see it, we were opening up the doors to something that was going to be rather cumbersome to handle in the near future.

I, therefore, believe that we should set aside this bill by moving for indefinite postponement.

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

Mr. TALBOT: Mr. Speaker and Ladies and Gentlemen of the House: Are we saying that we are scared of the mentally retarded, the mentally incompetent? No one testified against the bill in hearing, no one at all.

We are not opening up the door so that all mentally handicapped people can vote. All we are saying is that those that have been seen by a psychiatrist and who has a paper saying that they are competent in voting can vote. This isn't opening up the door so that we will have a blanket proposition here. It is just that those people who are now under guardianship that are able and competent and

are intelligent to vote can vote. And that is all we are saying here in this bill.

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

Mr. NORRIS: Mr. Speaker, I would pose a question through the Chair to anyone who can answer. Is it not a fact that the residents in the two state institutions during the last national election did vote, as a matter of fact? Is this not a fact?

The SPEAKER: The gentleman from Brewer, Mr. Norris poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. ROSS: Mr. Speaker, some of them voted and some did not. Those who were certified by the psychiatrists as really being mentally unfit did not vote and the others did.

Mr. Connolly of Portland was granted permission to speak a third time.

Mr. CONNOLLY: Mr. Speaker and Members of the House: May I just briefly point out that Mr. Ross has given the very reason for voting for this bill. He said that if there was testimony from a psychiatrist saying that people were able to vote because they had a moment of lucidity, then they could vote. And that is all this bill is going to do. It is not going to allow everybody who is in a mental institution to vote. They would first have to through the psychiatric examination. It is in a sense enabling legislation and will not do anything harmful because there are restrictions on the bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have just learned something and maybe somebody could answer me. Somebody told me that the inmates at the Bangor State Hospital voted at the last election.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, poses

a question through the Chair to anyone who may answer if he or she desires.

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

Mr. KELLEHER: Mr. Speaker, Mr. Jalbert is entirely correct. They set up voting booths and I think there were 140 or 180 or something of that number and they voted them.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Lewiston is absolutely correct. Those from Augusta and Bangor State Hospitals voted, provided that they were given the letter indicating that they could vote and that their mind was such that they could comprehend what was going on, as the gentleman from Bath, Mr. Ross, has so indicated. So as I understand it, this bill does just about that and I guess if it doesn't I wish someone would explain it to me.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Just to clear this up. As I understand it, under federal law there is nothing that prohibits these people from voting in the national elections. That is what I was trying to bring out. They can vote in national elections now. We are only talking about our state elections and our state offices as I understand, in the law that we have before us today.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I will exclude myself, but as far as I am concerned every member outside of myself, as I have excluded myself, in this body is just as good as anybody that is running on a national ticket. As a matter of fact looking back over a few years, I can probably say maybe some of the members of the House are a little better. And if I could go

further I could absolutely prove that they are better.

Now as far as I am concerned I have one area, it is a large nursing home where I have been very very friendly for many many years. And here is exactly what has been going on for years. The applications are signed by the individual. From there that application, all applications, go to one doctor who is semi-retired who has been kind enough, believe it or not, Dr. Eustache Giguere is his name, to take care of the patients for the last twenty years at this home for nothing, unless they need emergency operations — he is a general practitioner — so that this thing is done promptly.

Now as far as I am concerned I have got a great deal of faith in the gentleman from Bath, Mr. Ross, in most areas as far as election laws are concerned. And as a matter of fact, I don't know but this is a good time for me to thank him for knocking out that square. In any event, I don't know where I am on this thing. I think anybody should be punished or stopped from voting. But the argument that was given to me, that somebody can vote for national offices but can't vote for state offices, or county offices, or local offices is utterly ridiculous.

Mr. Talbot of Portland was granted permission to speak for a third time.

Mr. TALBOT: Mr. Speaker and Members of the House: As I understand it, if you vote to indefinitely postpone this bill what you will be saying in effect is this, that if you are in a mental institution you can vote but if you have been in a mental institution and are back out in the street now you can't vote, because people in the Bangor State Hospital and the Augusta State Hospital have voted. Am I correct?

The SPEAKER: The gentleman from Portland, Mr. Talbot poses a question as to whether or not everyone in the mental hospital is under guardianship? Is that the gentleman's question?

Mr. TALBOT: Mr. Speaker, I use that for an example. Maybe I didn't explain myself right. I said that if you voted to indefinitely postpone this bill what you will be

saying is, if you are in a mental institution like the Bangor State Hospital or the Augusta State Hospital and if it has been proven you can vote, but if you have been in a mental institution and now are a citizen you can't vote.

The SPEAKER: The gentleman from Portland, Mr. Talbot poses a question through the Chair to anyone who may answer if he or she wishes.

Mrs. Clark of Freeport requested a roll call vote.

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

Mr. CONNOLLY: Mr. Speaker, in response to the question of Mr. Talbot, he is absolutely correct. If when those people come out of a mental institution they are still under guardianship then they do not have the right to vote. Where they may apparently have the right now, if they are in a mental institution, and even if they are under guardianship will be able to vote in mental institutions, but if they come out and are still in that status as being under guardianship, they cannot vote.

The SPEAKER: Is the gentleman saying that many inmates in institutions are not under guardianship?

Mr. CONNOLLY: Mr. Speaker, I don't know.

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

Mr. ROSS: Mr. Speaker and Members of the House: There are a great many inmates in the hospitals both in Bangor and Augusta who are not under guardianship and this would let the mentally ill vote.

Now it says that they have to be examined by a competent doctor or psychiatrist or something, but there are a great many mentally ill people who are at home and not in any of the institutions, and they would be able to vote under this bill. But they would have great difficulty in getting a psychiatrist to their home to examine them. So we just felt, the majority of the committee, that this was not the proper approach to the situation. The persons in the institutions who are not mentally

ill can vote now for the whole slate, including presidents, representatives and so forth.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, I would pose a question through the Chair to anyone who may answer it. I would like to know whether or not a guardian is a competent person in determining whether or not a person in this category is competent to vote?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, poses a question through the Chair to anyone who may answer if he or she desires.

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

Mr. ROSS: Mr. Speaker, I would say that the average guardian who is a layman and might know something about financial matters and how to take care of the people at home is not a trained psychiatrist or a doctor and is not competent to say whether or not the person is mentally able to cast his ballot.

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

Mr. BRAWN: Mr. Speaker and Members of the House: Every person who is committed to a mental institution is under guardianship and if that person gets out and does damage, your state is responsible for any damage that they do while they are confined under them.

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 Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: I would urge the House this morning at least to vote against indefinite

postponement because there seems to be several questions here of a legal nature that no one can answer properly. I think it would be right and proper to vote against indefinite postponement, let this go along and let's find out, because this has served as a very useful tool at Bangor State Hospital. I know this to be a fact.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this Bill "An Act Relating to the Rights of a Person under Guardianship to Vote," House Paper 723, L. D. 929, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Bragdon, Briggs, Brown, Cameron, Carey, Chick, Cressey, Deshaies, Donaghy, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Ferris, Finemore, Flynn, Gahagan, Garsoe, Hamblen, Hoffses, Hunter, Immonen, Jackson, Kelley, R. P.; Keyte, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, Maxwell, McCormick, McMahon, McNally, Merrill, Morin, L.; Morton, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Sproul, Stillings, Theriault, Trask, Trumbull, Walker, Willard, The Speaker.

NAY — Albert, Berube, Boudreau, Brawn, Bunker, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Curran, Dam, Dow, Drigotas, Dunleavy, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Hobbins, Huber, Jacques, Jalbert, Kelleher, Kelley, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Martin, McHenry, McKernan, Mills, Morin, V.; Murchison, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Smith, S.; Soulas, Susi, Strout, Talbot, Tierney, Tyndale, Webber, Wheeler, White, Whitzell, Wood, M. E.

ABSENT — Bustin, Churchill, Cote, Crommett, Curtis, T. S. Jr.:

Davis, Dyar, Farley, Farrington, Gauthier, Good, Hancock, Henley, Herrick, Hodgdon, Mahany, McTeague, Mulkern, Santoro, Sheltra, Silverman, Tanguay.

Yes, 63; No, 65; Absent, 23.

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

Thereupon, on motion of Mr. Connolly of Portland, the Minority "Ought to pass" Report was accepted.

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

The Chair laid before the House the following matter:

Bill "An Act Relating to Bilingual and Bicultural Education" (S. P. 62) (L. D. 165)

Which was tabled earlier in the day and later today assigned.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed.

The same gentleman then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-161) was read by the Clerk.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you are fully aware during our last debate on this particular bill, there were a number of concerns expressed about the length of years that we are going to allow this bilingual education to continue in the elementary school. My concern at that time was that it was very difficult to determine at what level you might have to take the child assuming that he is brought in from another area.

The gentleman from Caribou, Mr. Gahagan and the gentleman from Farmington, Mr. Morton, both had expressed some concern to me that there ought to be a time limit as to whether or not this ought to be allowed to continue.

The amendment which I am offering limits it to the suggestion of five years, which is what the original amendment that was being offered by the gentleman from Caribou, Mr. Gahagan, would have done but was not offered. This says in effect, that there is limitation based on five years and that you simply can't continue it forever. This was the concern that was expressed and this solves that particular problem. And so Mr. Speaker, I would move for its passage.

Thereupon, House Amendment "B" was adopted.

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

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: Can I have a roll call on this please.

I would urge support of this amendment. I have been involved with this issue as a member of the Education Committee and as such, I am concerned with educational matters. House Amendment "B" is educationally sound because it corrects the weakness in the original bill and I urge you to support it.

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 Caribou, Mr. Gahagan, that L. D. 165 be passed to be engrossed as amended. All those in favor of that motion will

vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, B r a w n , Briggs, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Cressey, Curran, Dam, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farnham, Faucher, Fec-teau, Ferris, Finemore, Flynn, Fraser, Gahagan, Genest, Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Hoffses, Huber, Hunter, Immonen, J a c k s o n , Jacques, Jalbert, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Pratt, Ricker,

Rolde, Rollins, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trask, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Dunn.

ABSENT — Bustin, Churchill, Cote, Crommett, Curtis, T. S., Jr.; Davis, Dudley, Dyar, F a r l e y , Farrington, Garsoe, G a u t h i e r , Good, Goodwin, H.; Hancock, Herrick, Hodgdon, Kelley, R. P.; Mahany, McCormick, McTeague, Mulkern, Parks, Ross, Santoro, Sheltra, Silverman, Susi, Trumbull.

Yes, 120; No, 1; Absent, 29.

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

Sent to the Senate.

On motion by Mr. Birt of East Millinocket,

Adjourned until 1:30 o' c l o c k tomorrow afternoon.