

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

Thursday, April 12, 1973

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

Prayer by the Rev. Dr. David Van Strien of South China.

The Journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order: (S. P. 582)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 17, at 10 o'clock in the morning.

Came from the Senate read and passed.

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

Later Today Assigned

From the Senate: The following Joint Resolution: (S. P. 579)

WHEREAS, the first day of May of each year has been permanently designated by Congressional Resolution for national observance of Law Day, U.S.A.; and

WHEREAS, Law Day has been set aside as a special day of celebration by the American people in appreciation of their liberties and the reaffirmation of their loyalty to the United States of America; and

WHEREAS, it is a day for their rededication to the ideals of equality and justice under the law in their relations with each other as well as with other nations and for the cultivation of their respect for law that is so vital to the domestic way of life; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 106th Legislature of the State of Maine, that in order to rededicate ourselves and the citizens of Maine to the principles of the democratic form of government; to emphasize that ours is a government of law and not men; and to further the philosophy that "the welfare of the people shall be the supreme law" that the Governor of Maine is hereby requested to designate May 1 of each year as Law Day, U.S.A. and call upon all citizens of the

State to join in appropriate recognition of this special day; and be it further

RESOLVED: That it is not the intent of this Resolution to declare another legal holiday, but a day of rededication by the citizens of Maine to the principles of democracy; a respect for law that is so vital to the democratic way of life, and to the support of our State and Federal Courts which uphold and safeguard individual rights and liberties; and be it further

RESOLVED: That suitable copies of this Resolution be immediately transmitted to His Excellency, Kenneth M. Curtis, Governor of the State of Maine, and to the Honorable Armand A. Dufresne, Chief Justice of the Supreme Judicial Court, in support of this worthy cause.

Came from the Senate read and adopted.

In the House, the Joint Resolution was read.

(On motion of Mr. Simpson of Standish, tabled pending adoption in concurrence and later today assigned.)

From the Senate:

Bill "An Act Providing for No-fault Automobile Insurance" (S. P. 580) (L. D. 1770) (Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10)

Came from the Senate referred to the Committee on Business Legislation.

In the House, the Report was referred to the Committee on Business Legislation in concurrence.

**Report of Committee
Leave to Withdraw**

Report of the Committee on Judiciary reporting Leave to Withdraw on Bill "An Act Relating to Limited Supervised Practice by Certain Third-year Law Students Pursuant to Court Rules" (S. P. 295) (L. D. 756)

Came from the Senate read and accepted.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought not to pass" on Bill "An Act Preventing Discrimination in Reimbursement or Payment under Insurance Policies" (S. P. 153) (L. D. 387)

Report was signed by the following members:

Messrs. KATZ of Kennebec
COX of Penobscot

— of the Senate.

Mr. O'BRIEN of Portland

Mrs. BOUDREAU of Portland

Messrs. DESHAIES of Westbrook

MADDOX of Vinalhaven

JACKSON of Yarmouth

TRASK of Milo

HAMBLIN of Gorham

DONAGHY of Lubec

— of the House.

Minority Report of the same Committee reporting "Ought to pass" in New Draft (S. P. 577) (L. D. 1768) on same Bill.

Report was signed by the following members:

Mr. MARCOTTE of York

— of the Senate.

Mr. TIERNEY of Durham

Mrs. CLARK of Freeport

— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read. (On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and specially assigned for Wednesday, April 18.)

Divided Report

Majority Report of the Committee on Health and Institutional Services on Resolve Relating to Immediate Payment of Boarding Home Funds (Emergency) (S. P. 339) (L. D. 1038) reporting "Ought to pass" as amended by Committee Amendment "A" (S-44) submitted therewith.

Report was signed by the following members:

Messrs. HICHENS of York

MINKOWSKY

of Androscoggin

GREELEY of Waldo

— of the Senate.

Messrs. DYAR of Strong

LEWIS of Bristol

GOODWIN

of South Berwick

WHITZELL of Gardiner
Mrs. BERRY of Madison
McCORMICK of Union
MORIN of Old Orchard
— of the House.

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

Report was signed by the following members:

LaPOINTE of Portland

SOULAS of Bangor

SANTORO of Portland

— of the House.

Came from the Senate
Indefinitely Postponed.

In the House: Reports were read.

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

Mr. DYAR: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

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

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

Mr. SOULAS: Mr. Speaker, I move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The gentleman from Bangor, Mr. Soulas, moves the indefinite postponement of this Resolve and all accompanying papers.

The Chair recognizes that gentleman.

Mr. SOULAS: Mr. Speaker and Members of the House: I would like to speak just briefly on this and give you an idea why the action was taken. The boarding home fee increases were not made because of rent control restrictions of the Price Stabilization Program rather than medical care restrictions. Under the price restrictions, the district director of the Internal Revenue was given authority to approve or deny applications for exceptions to rent restrictions.

Now, boarding homes were notified of this on September 6, 1972, and the necessary forms and information required to obtain authorization for fee increases was supplied to the homes by the department. Many of these homes could not apply because the IRS

restrictions were, as they thought, rather prohibitive. However, the commissioner did take the time to discuss this and he did in all sincerity pay all the small boarding homes.

So, all we are really talking about now is 51 boarding homes. These are classified boarding homes that have over five people in them. Of the 51, 11 of them have supplied this necessary information, so now we are only talking about 40 boarding homes.

At the hearing, several of the boarding home operators were present and one of them in particular came up with that he had put a claim into the IRS for \$268, which is \$68 over the nominal fee which they get now which is \$200, and they turned him down. Now, he comes to the state and he wants \$268. He has supplied us with a cost data sheet, and we came up with a figure of only \$225. So I think this flat rate just isn't the way to handle these kind of funds, and this is what this bill actually does. It says that we should give a flat rate of 15 percent to all boarding home operators, whether they can prove the increase to their working expenses, and I just can't see how you can do it. That is why I hope you will support the motion to indefinitely postpone.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the gentleman from Bangor, Mr. Soulas, in opposing this bill. As Chairman of the Maine Committee on Aging, I am very concerned about our payments to boarding homes and nursing homes. As you have just been told, approximately 40 of these homes have refused to open their books to the Commissioner of Health and Welfare.

I would be the first to support increased payments to boarding homes based on their actual cost of providing true quality care for Maine's elderly. If these few homes which now object to having the public know their actual costs and profits will open their books and agree to a formula for future payments based on actual costs, I will

strongly support their request for additional funds. But until they will agree to do so, I cannot support this legislation and I urge you to vote for indefinite postponement.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I also rise to support the motion to indefinitely postpone. There has been considerable discussion on this between the boarding home people and the Department of Health and Welfare.

We did have a complete leadership meeting on this the other day, and a few minutes ago we were completely advised that the boarding home people themselves now have been able to work out a new policy with the Department of Health and Welfare whereby the method of payment that they will be receiving will be based on cost related increase, I believe that is just exactly what all of us were interested in; that it would be based on cost related increase and not on a flat rate. Therefore, I believe that the solution has been worked out outside of these halls and the bill should now be indefinitely postponed.

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

Mr. DYAR: Mr. Speaker and Members of the House: What the gentleman from Standish, Mr. Simpson, just reported has never been brought to the attention of the Health and Institutional Committee.

We have held numerous meetings with the Boarding Home Association and operators of boarding homes. We have met with the Commissioner of Health and Welfare. I would like to state here at this time that this money was appropriated in the Special Session of the 105th to be effective as of July 1 for payment. I believe the bill was signed sometime prior to April of last year.

The commissioner told our committee that by federal regulation he was not able to put this money out, because the President of the United States in July had

brought Phase I and II into being. Now, Phase I and II came into being in August, mid-August, if I remember correctly. And Phase III was after that. It is Phase III that is the problem. The department sat on this money for about five and a half months and did nothing with \$200,000 of taxpayers money.

Now, I will concur with the gentleman from Standish, if there has been a compromise and everybody is happy, I will withdraw my motion to accept the majority report.

I am quite concerned when the commissioner refuses to tell the Committee on Health and Institutional Services how much money is left in this account. He has refused to tell us how much money is left after he has paid the nursing homes with five patients or less.

The gentlewoman from Bath has stated that there is concern among the elderly on the quality of care in our boarding homes, and I have to agree with her fully on this. I feel the nursing homes and boarding homes in this state, more especially the boarding homes as concerned in this legislation, we do have some good boarding homes and we have some lousy ones. And I do not feel that we should jeopardize the good boarding homes by not following through on an act passed by a previous legislature. I do not think this body should allow any commission or commissioner to refuse to disclose how much money is left to the funds.

I certainly hope that this body will take action to make sure that there is an order that goes through this body putting this money back in the general fund where it belongs if they are not going to spend it so that it cannot go to some other program within the department.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with the motion to indefinitely postpone this L. D. with its paper and reports. I do so based on a number of reasons. I suspect that I probably

would have been voting this way even though an arrangement might not have been worked out between the boarding home operators and the Department of Health and Welfare.

Over the years I have been deeply involved in nursing and boarding homes having been, and still am, treasurer of a nonprofit corporation.

I feel very strongly many times that we fail to be very careful about how the funds are disbursed. I do not believe that we ought to give money just because someone comes in and they say to us that we ought to pay them. There ought to be some basis for the increase and I think this is what we are trying to do.

In response to the question or remark by the gentleman from Strong, in reference to the money, I have not asked the commissioner whether or not funds are there but I might suggest I know the place where we can get the figure if the department says they are not going to give it to us. The Bureau of Accounts keeps a continuous listing of disbursements from each account by account number. It could be provided very easily by going there to the bureau. That would be the simplest approach, and I suspect that it would not be up-to-date but it would be pretty current based on three or four weeks old information. Once we determine how much is left, it is another question as whether or not we want to simply put it back into the general fund. Of course, that is where it is going to lapse anyway at the end of the fiscal year. And we are only talking of it being three months away.

I was quite intrigued by the list of nursing homes that have applied and been approved for rate increases by IRS. I was even more intrigued to find the homes that have applied and not been granted IRS rate increases. I think this illustrates a problem that we can get ourselves into if we provide for increases without making sure that the increased care is there.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I would be remiss if I didn't get up and say a few words on this here. I was chairman of the committee that studied that this summer on research. We made quite a study on both. There were quite a few of the nursing homes, some of them I would say, that wanted a flat rate; and the majority of the homes that were really doing a fairly good job wanted a cost plus.

So we had the commissioner come in, Dr. Fisher, before our committee. I think we had received a million dollars from the legislature at the last session. We asked Dr. Fisher how far we could go with this money because there were a lot of reports that came to us that we had people, elderly people, waiting to enter these nursing homes. Dr. Fisher reported back to us in executive session after several hearings that the best thing to do was to have the cost-plus, because this would help some of these nursing homes to take more of the elderly people in the homes. In order to satisfy both sides, he told us that he would accept the flat rate on some — either the flat rate or the cost-plus. But they had to report to him. Our committee came out and accepted both, especially the cost-plus, where it would help out many of the elderly people on welfare to get into the nursing homes who were waiting to get in there, who needed that care.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I think that Mr. Gauthier is talking about nursing homes. And they do have the privilege of taking whether they want a flat rate or the cost-plus. Now, I assume probably that this cost-plus will be a good thing. But the boarding homes are not given this choice of whether they could be paid a flat rate or cost-plus.

As far as the quality of nursing homes, I cannot see any difference on cost-plus and a flat rate. It makes a difference whether anybody is extravagant or not. The

interest rate is considered in the cost-plus, the more you owe, the more money you are going to get for your patients. Those homes that are already owned, the owners are going to be penalized for not owing something on their homes. This is what we were concerned about. We did not have any strings attached on the increase that we voted in the 105th. And the boarding homes felt that where no strings were attached, that they should have a flat rate. Come July 1, I do not think any of them would complain to have to go on the cost-plus.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I, too, was a little upset with this when it went through. I hate to disagree with our leader in the corner, but I don't call this, really, a solution to the problem by saying that they have agreed to this; that there has been a reasonable solution made outside of the halls of this House.

I happen to have a letter here which was written by Dean Fisher to the boarding home people. I would say this was "either do it my way or you don't get any money." And I would just like to read one short paragraph. He says, "If the operator does not choose to participate in this program that I am suggesting, then we would simply continue to make the current \$200 payment to that operator until such time as the operator justifies a higher rate of payment in the submission of cost data." Either you submit or you don't get paid. I don't call that a good way of doing business.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to just explain briefly why I signed this report, because I feel very strongly in this area; although, I think I will now support the indefinite postponement, if what Mr. Simpson says is true, that an agreement has been worked out.

What I feel has happened here was that the legislature in the special session appropriated a

number of dollars to be used in a specific purpose and the director of the department that was supposed to use this basically did not do this, did not follow the guidelines set down by the legislature. And then, mainly, because first, of course, the President's rent freeze and everything, but when that was taken off, he began to use these funds as a sword over the boarding home people's head to get them to switch to cost-plus. Now, I basically favor the cost-plus, but I do feel that in this particular case he was using these funds wrong. This is why I supported this measure.

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

Mr. LEWIS: Mr. Speaker and Members of the House: As a member of the Health and Institutional Services Committee, I signed the majority report. We had several meetings with boarding home operators and the whole case was laid before us. We also had Dr. Fisher in, and I think I agree with Mrs. McCormick. It was really take it my way or you don't get anything. I certainly would like to have an explanation, if possible, as to what the settlement has been. That would be interesting to know.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I can't exactly tell you what that settlement has been, but I can fill you in on some of the background.

At the special session last year we found out from the Appropriations Committee that we were underpaying for the care of people going into nursing homes and the boarding homes weren't quite as bad off. So we appropriated in March \$200,000 to add to the amount of money to be paid to the nursing homes.

The first of July we appropriated a million dollars to add to what was going to the boarding homes and the nursing homes — \$800,000 to the nursing homes and \$200,000 to the boarding homes. We had a subcommittee do a study on these costs. We figured this was the best way to get out of it. We

not only did that but we wrote it into the Appropriations Bill that we wouldn't go to this cost-plus deal.

Around the first of December I had a meeting with a number of legislators and Commissioner Fisher. He had paid these people the money they had coming to them, and at that time we were more interested in the nursing homes than the boarding homes. The boarding home people had been promised the money and they had borrowed money on the promise. They were paying interest and they were pretty hard up. I asked Dr. Fisher what he did with the \$200,000 they were supposed to get from April through June, and I asked him if he had lapsed that. He hadn't obviously spent it, and he said no, he hadn't lapsed it and he hadn't spent it, he had it somewhere in his funds.

Well, finally, after six hours, we got him to agree to pay the nursing home bills, which ran over a million dollars, and he had to have several days to get the money out of the accounts to put them into the funds to pay the money to the nursing homes. And about the only reason he agreed to do that was he was told he would be taken into court to get this money off him if he didn't agree to pay it. Now, I don't know what agreement he has made with the boarding homes, but I don't think he has done what the legislature intended him to do. He said at one time the reason he hadn't paid these people was as long as he had this club over their heads, he could compel them to put in requests for a cost-plus deal.

I think the nursing homes were getting somewhere in the neighborhood of \$15 a day after we gave them the increase, and the cost-plus went up as high as \$50. We just didn't think we could afford it.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Let me try to give you the figures as to what we did during the special session, since it has been brought up. The special

session raised approximately \$200,000 over and beyond the current appropriations to increase the boarding home payments in that year beginning July 1, 1972. This supposedly was to be matched with \$600,000 of federal money, because this is the ratio we are using, a 4 to 1 ratio. If this had been done, we would have given and had approximately a 10 percent increase. What transpired, of course, is that the federal government under the guidelines, under what was called rent control under Phase II, indicated that no rates could be increased in July until Phase II requirements were met. It was not the Department of Health and Welfare that decided that this was not going to be done or that it was going to be done. It was not Dr. Fisher or anyone else. And if the blame has got to be placed somewhere, it ought to be placed where it belongs.

The various homes were notified of what they had to do and had to submit the information to IRS. IRS eliminated homes that had four or less beds but said that any home of five or more had to apply through IRS; and if they met the qualifications, then they would get the increased benefits.

For your information, without reading the names of the homes, let me indicate to you the increases that have gone up beyond the 200. One home in Dover-Foxcroft went to \$225; one in West Paris to \$228; one in Bangor to \$228; one in Newcastle to \$270; one in South Union to \$240; one in Ellsworth to \$270; one in Skowhegan to \$240; one in Canton to \$250; one in Warren to \$225; and one in Portland to \$220, effective the first of March. Some others were denied. It is the denied homes, obviously, that are the most interested in making sure that they get the flat rate. Any home that can justify the increase will get it, and it is really that simple.

According to the gentleman from Bristol, he asked what arrangement had been made. I don't know all the details, but I can respond in a general way. Basically, it amounts to homes that do not have figures, which they claim they don't get them. They have no way

to know what they are spending for food or for salaries. I can't believe that if you are going to be filing income tax, but that is what they have told the department or they have told me, that they haven't got all their figures and therefore they can't submit them to IRS for justification of the increase.

What is going to be done between the department and the various homes is that they are going to get a cost increase based on the increase in food that has occurred since last year, the increase in electricity if there has been one, an increase in anything in order to bring them up to a level beyond the 200. In effect, what I am saying is that homes automatically will not get the increase beyond what they can justify either to IRS or in increases beyond the increase in food expenses or some other related item. I think that this is a very justifiable thing and I see no reason why they ought not to be satisfied.

In two of the homes I know of, they couldn't justify the figures because both of them told me that they didn't keep running totals. To me that is just unbelievable. If the state is going to be paying, then the state ought to have some justification to find out what they are doing with the money.

The SPEAKER: The Chair recognizes the gentlewoman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I would just like to dispute a couple of those statements a little bit. We were told in committee that none of them had been denied that had given in their costs, but they were also not given the costs they showed. They were cut by the department. And as far as some of those figures go, I have one set right here on my desk which are verified by an accountant and everybody else, and it happens to be one of the homes that was raised, but they are still losing \$50 a day.

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

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the

House: I made an inquiry to the Attorney General's office last January relative to why these payments had not been made to the nursing homes. According to the three-page answer that I received from Attorney General Jon Lund, I don't believe we have any choice today but to indefinitely postpone the bill that is before us.

The letter reads in part, and I would furnish anybody with a copy of this letter, it says, "An additional complicating factor is that technically the department does not pay the boarding homes. Under the Federal Social Security Act, the department is required to disburse assistance payments directly to the welfare recipient and the assistance provided is the sole and exclusive property of the recipient. Title 22, Maine Revised Statutes, Section 3408." They do say that if the boarding homes will furnish them with an itemized statement, they will gladly pay the bills.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that Resolve Relating to Immediate Payment of Boarding Home Funds, Senate Paper 339, L. D. 1038, and all accompanying papers be indefinitely postponed in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

101 having voted in the affirmative and 26 having voted in the negative, the motion did prevail.

Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought not to pass" on Resolve Designating a Certain Bridge Across the Androscoggin River as "The Veterans Memorial Bridge" (S. P. 329) (L. D. 1033)

Report was signed by the following members:

Messrs. SHUTE of Franklin

CIANCHETTE

of Somerset

— of the Senate.

Mrs. BERRY of Madison

McCORMICK of Union

Messrs. McNALLY of Ellsworth

WOOD of Brooks

DUNN of Poland
WEBBER of Belfast
FRASER of Mexico
KEYTE of Dexter
STROUT of Corinth

— of the House.

Minority Report of same Committee on same Resolve reporting "Ought to pass"

Report was signed by the following member:

Mr. GREELEY of Waldo

— of the Senate.

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

In the House: Reports were read.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: At this time, as Chairman of the Androscoggin Delegation, I would move for the acceptance of the Minority Report.

The SPEAKER: The gentleman from Lewiston, Mr. Tanguay, moves the acceptance of the Minority "Ought to pass" Report in concurrence.

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

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: Earlier this week we passed a bill naming this bridge after a gentleman from our own house. We at least accepted the majority report on that bill, and if we accept the minority report here, we will be going back on what we voted on earlier this week. We named it then after a man who I believe is responsible for that bridge being there, without whose efforts it would never have been. He travelled from Kittery to Madawaska, speaking to service clubs and others. Actually, he went all out for it and the reason the bridge is there is because he did. I hope you won't accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to present this afternoon some information

concerning this legislation, which has not been presented yet. It will take me a couple of minutes but for the record, I think it should be presented to you. Although we did act favorably on another proposal the other morning, perhaps when you hear this information, you will see that the gentleman from Lewiston, Mr. Tanguay, has made an appropriate motion.

I would like to read to you resolutions from both the Auburn and the Lewiston City Councils. First, from the City Council of Auburn, "Dear Mr. Olfene," who is the sponsor of this bill, "Enclosed please find a resolution passed by the Auburn City Council at their last meeting held on February 5, 1973. The resolution is a proposal for the naming of the third bridge 'The Veterans Memorial Bridge'." signed by the City Clerk, Leroy Linnell.

I will read you the resolution: "Whereas the Vietnam War has taken the lives of brave men from Lewiston and Auburn and throughout the country, and whereas the war has come to a halt for the United States, and whereas the State Senators from Lewiston-Auburn propose the naming of the third bridge The Veterans Memorial Bridge in honor of these fallen soldiers, and whereas the board of mayor and aldermen of the City of Lewiston unanimously passed a resolution supporting said name, now therefore be it resolved, that the Auburn City Council record its support of this timely and fitting legislation; that a copy of this resolution be transmitted to the President of the Senate, Speaker of the House, and all members of the Lewiston-Auburn State Legislative delegation as evidence of this support." This is dated February 5, 1973, signed by the Mayor, John R. Linnell and by all five councilmen.

From the City of Lewiston a similar resolution dated January 30, 1973. "Whereas the Vietnam war has taken the lives of brave men from Lewiston-Auburn and throughout the Country, and whereas the war has come to a halt for the United States, and whereas the State Senators from

Lewiston-Auburn propose the naming of the third bridge the Veterans Memorial Bridge in honor of these fallen soldiers, now therefore be it resolved, that the board of Mayor and Aldermen of the City of Lewiston record their support of this timely and fitting legislation and that a copy of this resolution be transmitted to the President of the Senate, the Speaker of the House and all members of the Lewiston-Auburn State Legislative Delegation as evidence of this support." It was signed by Mayor John Orestis and all seven of the aldermen.

This memorial would honor the following fallen soldiers from Auburn, William Almon, Albert Belanger, Michael Deshenes, Bertrand Gagne, Gary Manchester, Peter Vlahakos and Paul West; from Lewiston, Leo Asselin, Gerald Breton, Laurier DeRosier, Norman Deschaine, Morris Gagnon, Roland Guerette, Forest Hodgkin, Michael McGonagle, Thomas McMahon, who by the way is a Medal of Honor winner, James McMorrow, John Manchester, Richard Rossignol, Charles Soule, William Spencer, Ronald Thomas and Harold Walker.

I have also here two letters. The first is from The New Auburn Post 153 of the American Legion, dated March 30, 1973, which supports naming the bridge the Veterans Bridge. I have another from the Alden M. Gayton Post No. 31, American Legion, Auburn, Maine, which supports 100 percent naming the bridge The Veterans Memorial Bridge. So with this information, I hope that you will feel more confident in making a wise decision on naming this bridge.

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

Mr. KELLEHER: Mr. Speaker, I move this be tabled for two legislative days, pending the acceptance of the motion.

Thereupon, Mr. Tanguay of Lewiston requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled for two legislative days, pending

the motion of Mr. Tanguay of Lewiston to accept the Minority "Ought to pass" Report in concurrence. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 60 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act Relating to Disposal of Septic Tank or Cesspool Waste" (H. P. 1416) (L. D. 1710) which was passed to be engrossed in the House on April 9.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-72) in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to recede and concur.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act Raising the Maximum Age of a Juvenile Offender" (H. P. 489) (L. D. 643) which was enacted in the House on April 10.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. WHITZELL: Mr. Speaker, I would like to make the motion that we insist, and I would speak to that motion.

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell moves that the House insist. The gentleman may proceed.

Mr. WHITZELL: Mr. Speaker and Ladies and Gentlemen of the House: This item came before the House several days ago and passed unanimously and went to the Senate. In the Senate there was some confusion as to the nature of this item, and it was debated on false grounds. The people that did debate it were not familiar with the bill and it was narrowly defeated by two votes. I have spoken with members of the other body and they would like to have an opportunity to act again on this matter.

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

Mr. SIMPSON: Mr. Speaker, I move that we recede and concur and I would like to speak to my motion.

The SPEAKER: The gentleman from Standish Mr. Simpson moves that the House recede and concur. The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: As I look at this piece of legislation, I do not believe there was any confusion in it and I do not believe that it was debated on false grounds. I believe as we look at our court system today and as we look at the age of the children who are supposed to be called juveniles and the type of crimes and so forth they are getting involved with, I personally think that we ought to be pushing the termination term "juvenile" back in years, rather than pushing it up the year, from the age of 17 to 18. In my opinion, I believe that if the judges would get a little more firm in some of their decisions and maybe if the names of some of the juveniles were printed and some of the facts were known, that maybe some of the involvement of the juveniles in areas where they shouldn't be might be controlled somewhat.

I believe that this piece of legislation is going in the wrong direction and I believe that the other body did take the right action.

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

Mr. WHITZELL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to clarify some of the remarks that my friend in the corner, Mr. Simpson, made. First of all, the bill is a good bill. It was confused in the Senate and I would dare the gentleman in the corner to tell me which people over in the Senate that he spoke to that voted the right way.

The SPEAKER: The Chair would caution the gentleman and all gentlemen that what happened in the other body cannot be used for the purpose of argument in this

body. Argue on the merits of this bill right now and the motion being to recede and concur.

Mr. WHITZELL: Thank you Mr. Speaker. The bill as it was drawn has the wide support of the Juvenile Justice Association, has the support of the Department of Mental Health, has the support of the Superintendent of the Training Center. It also has the support of the Youth Referral Resources, under the Governor's office.

What this bill does is, it does away with the limbo time that a young person in Maine now suffers, from the age of 17 to 18. At age 17 the courts are under the existing laws. They declare the child is no longer a juvenile. At the age of 17 that means that the parents have no control over their child. This bill will put the parent back in charge of his children until such time as they reach adulthood at age 18.

Raising the age from 17 to 18 will not, I repeat, it will not involve more people being locked up in the institutions, such as Stevens or Boys' Training Center. Any juvenile today who commits the serious crime at the age of 17 is treated as an adult anyway. We are not taking away any discretion from the courts. We are actually giving them another year. For those people who resisted the move to give adult rights to young adults, to lower it to age 18, it would only make sense that from 17 to 18 — what do we call these kids, youthful offenders? We do not have any status for these children from 17 to 18.

There are many other arguments that were brought up before the committee. The institutions will carry no extra burden; therefore, that is not going to be a problem. There will be no increased incarceration, especially if one of the bills that is now sponsored which will do away with the incarceration law for juveniles for such ridiculous items as truancy, danger of falling, keeping bad company. These are not criminal offenses, yet there are some children under the age of 17 who are locked up for several years. The crime does not befit the

punishment or the punishment does not befit the crime.

Under state statutes, under Title 15, under Chapter 15, Section 2501, there is enough discretion left to the court. It says that no juvenile shall be placed or detained in any prison or jail or detained or transported in association with any criminal, vicious or dissolute person until such juvenile becomes subject as provided under Chapters 401 and 409 to proceedings which are criminal in nature.

The historical comments regarding this law are very enlightening. Remember that what we are asking you to do is raise the age of the child so that he is responsible to the parents. Because as it now stands, the parents are responsible for their children from age 17 to 18. It will also give the child who is under 18 some type of status where he can be controlled by his parents.

Presently 18-year-olds are considered adults by Maine law. This minimum age should pertain to all aspects of minority. At the age of 18, this maximum age of juvenile offenders is used in 36 states. Some of those states have different ages for juveniles. They range boys at 16, girls at 18. Three states do that. It will not prevent a 17-year-old from being duly punished for criminal offenses. We are not looking for protection and we are not trying to coddle people, it is to bring some kind of fairness into the law.

Recently in the Maine Telegram there was an article called, "17-In Between." It was a screaming editorial about the lack of justice in a system that leaves a person from 17 to 18 with no legal status. And that is why I am going to ask you to vote against this motion to recede and send it back over to the Senate.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I wonder if I could ask the Clerk or perhaps a member of the Judiciary Committee to give us the committee report and also how it came out at that point.

Thereupon, the Committee Report was read by the Clerk.

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

Mr. CAREY: Mr. Speaker and Members of the House: In spite of the fact that this had a unanimous report, when I get a bill like this I go with the professionals in the field. The City of Waterville has had a juvenile officer now for some four years. He has been well trained. He is a person who has worked with the kids and young adults. He doesn't just take care of those who are in the City of Waterville but he is also, unfortunately, saddled with those who are in Oakland, Fairfield, Winslow and Benton and Vassalboro, primarily because most of the crimes and stuff that they do commit happen in the Waterville area.

And in discussion with the gentleman, he found that the age of 17 was sufficient. That generally the laws were originally intended to protect those children who were still in school. So as not to ruin their adult lives, they would go to juvenile courts rather than get involved with the higher courts so to speak.

He was death against this bill, not because it gives him more work but unfortunately he has found a tendency that a seventeen and a half or a seventeen and three quarter year old who is bent on crime has turned into a pretty much professional hood and at that point they deserved the full justice of the law and not the protection of the juvenile courts.

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

A vote of the House was taken.

Thereupon, Mr. Goodwin of South Berwick 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 Chair recognizes the gentleman from Bangor, Mr. McKernan.

Mr. McKERNAN: Mr. Speaker and Members of the House: When this bill was first introduced we noticed something that was wrong in the original laws that now stand. That was one of the amendments to this bill. Therefore, if the House is thinking of receding and concurring, I think that we should table this for two days until we can correct the inconsistency that now appears in the present law. I would like somebody to table this for two days, please.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, I move that this matter be tabled for two legislative days.

Mr. Birt of East Millinocket requested a vote on the motion.

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

Mr. DONAGHY: Mr. Speaker, I would like to ask the Chair whether or not this would not go into the Omnibus Bill if there needed to be changes?

The SPEAKER: The Chair would inform the gentleman that we are in the middle of a vote and the vote was taken and hasn't been announced yet, pending the request for a roll call by the gentleman from South Berwick and the gentleman from Presque Isle, Mr. Dunleavy has requested this matter be tabled two legislative days.

The SPEAKER: The pending question is on the motion of the gentleman from Presque Isle, Mr. Dunleavy, that this matter be tabled pending the motion of Mr. Simpson of Standish to recede and concur and specially assigned for Wednesday, April 18. All in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 62 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act Relating to Taxation of Farmland" (H. P. 773) (L. D. 1007) which was enacted in the

Came from the Senate indefinitely postponed in non-concurrence. In the House: On motion of Mr. Evans of Freedom, the House voted to insist and ask for a Committee of Conference.

Messages and Documents

The following Communication:

OPINION

of the Justices of the Supreme Judicial Court given under the Provisions of Section 3 of Article

VI of the Constitution

Questions Propounded by the House in an Order

Dated March 22, 1973

Answered April 10, 1973

House Order Propounding Questions

Answers of the Justices

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on March 22, 1973.

QUESTION I: Is the present provision concerning durational residency requirements for voting in Article II, Section 1, Constitution of Maine, valid under the Constitution of the United States?

ANSWER: We are unable to give a direct answer to this question because of an erroneous assumption upon which it is based. It is clear to us, both from the wording of the question and the wording of the proposed pending Resolution before the Legislature, that the Legislature assumes that the Constitution of Maine, Article II, Section 1, still retains a durational residency requirement for voting. We respectfully direct the attention of the Legislature to the action of the Chief Justice of the Supreme Judicial Court, taken recently pursuant to Article X, Section 6. That

Section directs him to "arrange the Constitution, **omitting all sections, clauses and words not in force.** (Emphasis supplied.) It being apparent that the provision for a durational residency requirement for voting of six months in the State and three months in a city, town or plantation, formerly included in Article II, Section 1, was no longer valid and effective in the light of **Dunn v. Blumstein** (1972) 405 U.S. 330, 92 S. Ct. 995, 31 L.Ed.2d 274, the Chief Justice properly deleted this requirement from Section 1 as shown by his report to the Legislature. It is apparent that Section 1 as thus reworded satisfies all requirements of the Equal Protection Clause of the 14th Amendment of the United States Constitution. We take this occasion to direct the attention of the Legislature to 21 M.R.S.A., Sec. 241(4), which suffers from the same constitutional infirmity as did the deleted provisions of the Constitution of Maine and which has not as yet been repealed. Attention is also directed to the incorporation in 21 M.R.S.A., Sec. 102, by reference, of 21 M.R.S.A., Sec. 241(4), thus creating the need for legislative reconsideration for the reasons stated above.

QUESTION II: Would the "Resolution Proposing an Amendment to the Constitution Reducing Residence Requirement for Voting to Thirty Days" (House Paper 9, Legislative Document 9) if passed by the Legislature and adopted by the electorate be valid under the Constitution of the United States?

ANSWER: We answer in the negative. By the provisions of 21 M.R.S.A., Sec. 631, the Legislature has established various time requirements for registration based upon municipal population. In so doing the Legislature has expressed its judgment as to the time required under varying circumstances in which to complete the administrative tasks of voter registration. The holdings of **Dunn v. Blumstein**, supra, and **Marston v. Lewis** (Opinion March 19, 1973),—U.S. S. Ct.—L.Ed.2d—, 41 L.W. 3498, must be read as permitting a durational residency requirement only upon a showing

of a compelling State interest. Where the only State interest shown is the State's need to complete the administrative tasks of registration, these cases hold that a State imposed durational residency requirement is constitutionally permissible but only to the extent that it is "tied to" and does not exceed in duration prior to election day such a reasonable period for completion of the "registration process" as is "necessary to achieve the State's legitimate goals." *Marston, supra*. We are not aware of any other compelling State interest which Maine has which would justify an exception to that rule. The constitutional invalidity of this proposed amendment to the Constitution of Maine therefore stems from the fact that the durational residency requirement of thirty days therein provided exceeds the various time limits contained in the statutory registration requirements which presently reflect "a state legislative judgment" that no longer period is required in which effectively to complete the "registration process."

Dated at Portland, Maine This tenth day of April, 1973.

Respectfully submitted:

Signed:

ARMAND A. DUFRESNE, Jr.

DONALD W. WEBBER

RANDOLPH A. WEATHERBEE

CHARLES A. POMEROY

SIDNEY W. WERNICK

JAMES P. ARCHIBALD

The Communication was read and ordered placed on file.

The following Communication:
To the Members of the 106th Legislature:

The Standing Committee on Health and Institutional Services of the 105th Legislature was directed by Joint Order S. P. 615 of the 105th Legislature and Joint Order S. P. 776 of the Special Session of the 105th Legislature to study, review and analyze the operations, personnel, practices and procedures of the Department of Mental Health and Corrections and the Department of Health and Welfare as they pertain to State institutions, to ascertain that Department

appropriations are being administered in an effective and productive manner for the welfare of the citizens of the State of Maine.

This report presented by the Minority Committee contains allegations received by us through Peter Bowman, M.D., who has been connected with the State institutions for over eighteen years.

The allegations are possible violations of the Appropriations Act, Medical Practice Act, State Personnel Law, State Bureau of Psychological Examiners and other Statutes of the State of Maine, and also violation of some amendments to the U.S. Constitution.

Violations, as we understand perpetrated according to Dr. Bowman, by Commissioner Kearns and Dr. Albert Anderson respectively.

It is recommended, by this Minority Committee, that the office of the Attorney General, the State Board of Registration in Medicine, State Board of Registration in Psychology, State Personnel Board and the Appropriations Committee investigate the allegations, find the facts and take appropriate action in order to avoid future repetition of such happenings as described in this report.

Representative Roswell E. Dyar and also Dr. D. Santoro has introduced some legislation on L.D.'s for consideration by the legislative body. We both believe that such legislation, if passed, will help remedy the situation. (H. P. 1437)

Signed:

ROSSELL E. DYAR

Signed:

DOMENICO SANTORO, M.D.

The Communication was read and with accompanying report ordered placed on file and sent to the Senate.

Orders

On motion of Mr. Henley of Norway, under suspension of the rules, the House reconsidered its action whereby Bill "An Act Amending the Uniform Flag Law" was passed to be enacted.

On further motion of the same gentleman, 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, tabled pending passage to be engrossed and specially assigned for Tuesday, April 17.

At this point, the Speaker appointed the Androscoggin County delegation on the part of the House to attend the funeral of Representative Peter Snowe of Auburn.

House Reports of Committees Leave to Withdraw

Mr. Herrick from the Committee on Natural Resources reporting Leave to Withdraw on Bill "An Act Relating to Municipal Regulation of Land Subdivisions" (H. P. 1187) (L. D. 1531)

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Murray from the Committee on Education on Bill "An Act Increasing Reimbursement to Secondary School Students from Coastal Islands for Room and Board" (H. P. 864) (L. D. 1150) reporting same in New Draft (H. P. 1434) (L. D. 1792) under same title and that it "Ought to Pass"

Mr. Smith from the Committee on Natural Resources on Bill "An Act to Validate Land Title in the Wildlands" (H. P. 1098) (L. D. 1435) reporting same in a New Draft (H. P. 1436) (L. D. 1794) under the same title and that it "Ought to pass"

Mr. Chick from the Committee on Public Utilities on Bill "An Act Relating to Board of Trustees of Bath Water District" (H. P. 158) (L. D. 200) reporting same in a new draft (H. P. 1431) (L. D. 1789) under same title and that it "Ought to pass"

Mr. Merrill from the Committee on Taxation on Bill, "An Act Relating to Municipal Tax Base Sharing" (H. P. 684) (L. D. 891) reporting same in a new draft (H. P. 1433) (L. D. 1791) under same title and that it "Ought to pass"

Mr. Good from the Committee on Fisheries and Wildlife on Bill "An Act Extending Open Season on Bear" (H. P. 187) (L. D. 228) reporting same in a new draft (H. P. 1432) (L. D. 1790) under title of "An Act Relating to Extending Open Season on Bear and Hunting Bear with Dogs" and that it "Ought to pass"

Mr. Mills from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Open Season on Beaver on Passamaquoddy Indian Lands" (H. P. 1013) (L. D. 1332) reporting same in a new draft (H. P. 1435) (L. D. 1793) under title of "An Act Prohibiting Hunting, Trapping and Fishing on Passamaquoddy Indian Land by Non-Indians" and that it "Ought to pass"

Reports were read and accepted, the New Drafts read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to pass" as amended by Committee Amendment "A" (H-213) on Bill "An Act Relating to the Redemption Value of Trading Stamps" (H. P. 810) (L. D. 1056)

Report was signed by the following members:

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

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

Report was signed by the following member:

Mr. HAMBLÉN of Gorham
— of 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" (H-213) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Consent Calendar

First Day

(H. P. 654) (L. D. 868) Bill "An Act to Provide for Nomination of the Commissioner of Educational and Cultural Services by the State Board of Education" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-214).

(H. P. 811) (L. D. 1074) Bill "An Act Relating to Advertising Costs in Processing Wetland Applications" — Committee on Natural Resources reporting "Ought to Pass".

(H. P. 815) (L. D. 1082) Bill "An Act Relating to Railroad Crossings" Committee on Public Utilities reporting "Ought to Pass".

(H. P. 1047) (L. D. 1366) Bill "An Act Exempting Blind Property Owners from Real Property Tax" — Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-215).

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

Consent Calendar

Second Day

(H. P. 188) (L. D. 265) Bill "An Act Increasing Nonresident Hunting License Fee" (C. "A" H-201)

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

On motion of the same gentleman, the Report was accepted.

The Bill was read once. Committee Amendment "A" (H-201) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 537) (L. D. 719) Bill "An Act Relating to Overinsurance Provision in Health Insurance Contracts"

(H. P. 725) (L. D. 931) Bill "An Act Relating to Private Consumer Remedies" (C. "A" H-199)

(H. P. 746) (L. D. 959) Bill "An Act to Require Certificates of Death to be Typewritten" (C. "A" H-203)

(H. P. 804) (L. D. 1053) Bill "An Act Relating to Licenses for General Lines Insurance Agents"

(H. P. 659) (L. D. 1066) Bill "An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Insolvent or Delinquent Insurers" (C. "A" H-200)

(H. P. 925) (L. D. 1223) Bill "An Act Declaring Violations of Home Solicitations Sales Act to be Violations of Unfair Trade Practice Act"

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

(H. P. 1045) (L. D. 1373) Bill "An Act to Create a Commission to Prepare a Revision of the Probate Laws and the Administration Thereof"

On the request of Mrs. Baker or Orrington, was removed from the Consent Calendar.

On motion of the same gentleman, the report was accepted.

The Bill was read once and assigned for second reading the next legislative day.

(H. P. 1057) (L. D. 1381) Bill "An Act Relating to Deceptive Practices Act" (C. "A" H-198)

(H. P. 1139) (L. D. 1474) Bill "An Act Revising the Itinerant Vendor Law"

(H. P. 1238) (L. D. 1579) Bill "An Act Increasing Indebtedness of Calais School District" (Emergency)

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

Passed to Be Engrossed

Bill "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1973" (Emergency) (S. P. 572) (L. D. 1735)

Bill "An Act Relating to Raptors for Use in Falconry" (S. P. 571) (L. D. 1734)

Bill "An Act Providing Funds for Purchase of Tourmaline, Maine's

Official Mineral" (H. P. 34) (L. D. 41) (C. "A" H-204)

Bill "An Act Relating to Personal Recognizances in Violation of Baxter State Park Laws and Regulations" (H. P. 624) (L. D. 822) (C. "A" H-202)

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

Second Reader Indefinitely Postponed

Resolution, Proposing an Amendment to the Constitution to Permit Initiative Amendments to the Constitution (H. P. 1426) (L. D. 1765)

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

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: The United States Constitution guarantees to each state a republican form of government. By republican form, we mean a representative government, where the people's business is conducted by their elected representatives, and that is what we have. In our state the people can turn each of us out of office every two years if they are not satisfied with what we do on their behalf.

I hear no great clamor from the people that they want to tamper with the Constitution. I see no sign that they want to initiate constitutional amendments.

This legislature, in my experience, does not turn a deaf ear on the cries of the people. And when the people call for constitutional change, we do respond by providing them the opportunity through referendum to bring about that change.

The fundamental law of our state should not be subjected to change with every passing thought. The people have elected us to look after their constitution and there is no indication that we have abused that trust.

Therefore, Mr. Speaker, I move that this resolution and all its accompanying papers be indefi-

nately postponed and when the vote is taken, I request the yeas and nays.

The SPEAKER: The gentleman from Berwick, Mr. Stillings, moves that L. D. 1765 and all accompanying papers be indefinitely postponed and he requests a roll call vote.

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

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: I, too, share the same concern as does the gentleman from Berwick, Mr. Stillings. I was not going to move for indefinite postponement but I was going to ask the chairman of the State Government Committee or anyone else who can answer whether or not the legislature under this proposal would have a check and balance over such a resolution.

You are well aware of the process by which initiative referendum questions may be raised or bills may be introduced by the people through this similar procedure. We have a public power bill before us now and we had two bills last session, both of which were initiated by petition.

I do believe that a constitutional amendment is sufficiently different to warrant a different type of action and I do think that in all circumstances the legislature of the State of Maine ought to have a check and balance over any initiative action relative to the constitution.

I will support the gentleman's move for indefinite postponement but I would like an explanation as to the procedure envisioned by the signers of the "ought to pass" report on this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: Section 2 of the Declaration of Rights of our constitution reads as follows: "All power is inherent in the people: All free governments are founded in their authority and instituted for their benefit. They have, therefore, an unalienable and indefeasible right to institute government and to alter, reform or totally change

the same when their safety and happiness require it."

In 1908 Article IV, Part Third, Section 18 was added to our constitution. This section says that the electors may propose to the legislature for its consideration any bill, resolve, or resolution, including bills to amend or repeal emergency legislation and sets forth the procedure by which this may be accomplished. Thus, Maine became the first state to adopt the initiative petition.

However, at that time because the majority party feared that the people might repeal that part of the constitution pertaining to prohibition, the clause, prohibiting amendments to the constitution by the initiative procedure was inserted, so that the question presented to the voters in that referendum read that they may amend, repeal or propose to the legislature any statutory matter but not a constitutional amendment.

So that now we have Section 2 of the Declaration of Rights which clearly states that the people have the right to alter, reform or totally change their form of government and this section further states that this right cannot be surrendered, transferred, annulled or undone because that is what the words unalienable and infeasible mean.

When the legislature in 1908 submitted the proposal to the electorate which established the mechanism for direct initiative petition, they took away from the voters the mechanism by which they could amend or alter their constitution. So that since that time, even though they clearly have the right, they have no means to exercise that right.

As you will perhaps recall during the House debate on access to our great ponds, a right without any legal avenue to exercise that right is ineffective and meaningless. This very same situation applies to the people's right to amend their constitution.

If we approve this constitutional resolve repealing this phrase "but not an amendment to the constitution", then the people's unalienable and infeasible right will be

restored and at the same time we will be giving them the legal mechanism by which to exercise that right.

The answer to the question of the gentleman from Rockland is that the procedure will be the same as for a statutory initiative petition. I hope you won't vote for indefinite postponement.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise to support the indefinite postponement. I believe if there was any chance at all that this were to go through and go to the people, then I believe that what we are doing is opening up the door to the point of real power politics or money politics.

This gives, I believe, people with some real vested interest a chance to circulate petitions and I think all of us realize that a lot of people will sign petitions not really knowing full well what they are doing and will put this type of thing such as bond issues and special interest groups out to a vote of the people and I honestly believe that right now this should be left to us and that the people who put this into our laws did so knowing full well the protection that our constitution ought to have. It ought to remain right in this body.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I want to express myself on this bill. I share the fears of the three speakers who have spoken in opposition to this method of amending the constitution. I firmly feel that this is not a course that we want to start pursuing.

My thought was that I would watch this bill, maybe we could make some comments this morning and get the members of the House thinking about an attempt to kill it when it comes up for final passage where it will require a two-thirds vote.

However, I will go along with the motion now before us and if we fail then, we will try again

when it comes up for final enactment.

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

Mr. DYAR: Mr. Speaker, Members of the House: I think Mrs. Najarian left out nine important words: "Of the People, by the People and for the People."

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

Mr. WHITZELL: Mr. Speaker, Members of the House: I would like to comment on some comments that were made earlier which were "power politics" and "money politics" but nobody ever mentioned that these are people politics. It is going to be people who decide whether or not this constitutional amendment is actually passed.

So, let's put it out to the public and let's find out how the public feels about taking care of their own constitution. It is not our constitution as legislators, it is their constitution as people. If we can send all these other things out to the people, certainly the people ought to have a decision in what this government is doing and certainly only those people who fear the people will vote against this particular issue.

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

Mr. HENLEY: Mr. Speaker, Members of the House: I truly wasn't going to speak on it until my friend over here mentioned "send it out to the people." I have heard that for six solid years. Send it out to the people. I think that should only be a last resort. We are elected, we are sent down here and Lord knows a good many times the press crucified us because of the cost of this legislature.

If we carry this idea of government of the people to the nth degree, they would not need a legislature. We are here to make these decisions. They consider that we have judgment. So let's not send them to the people unless it is something of a broad nature. We don't need to send something down there to have them decide whether they shall have the authority or

not. Seems to me we have got along for over a hundred years, a hundred fifty years with our constitution as it is in general. And I don't feel that this is something that we should split down any farther than it is already.

They can get the initiative on changing the statutes and which they have done several times. I do not believe that it should be passed on for the initiative to change the constitution. I hope you go along with indefinite postponement.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I think one of the elements that has been left out by the proponents of this is the fact that we cannot change the constitution either. If we want it changed, we have to send it to the people for a vote. It is only someone who might, through emotions and money as has been said, special interests, that can go out and stir things up through the press, this sort of thing to initiate the change in the constitution and this is what we do not want.

We are responsive enough to the people to decide whether or not a constitutional amendment is needed. If it is, it will have to go to the people to be voted on and approved by them.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: As you are well aware, legislatures often have heavy vested interests in maintaining the status quo and some legislatures, ours included, have often been—and perhaps ours still is—recalcitrant in inaugurating needed changes. The constitutional initiative is one method given to the people in the Declaration of Rights to overcome legislative inertia and irreconcilable political differences. The ability of the people to directly amend their constitution is one method the people should have to combat domination of legislatures by

groups or interests opposed to change.

You may counter by saying that giving the people this ability would make our constitution subject to popular whims. But my answer to that is that is the same as saying that the citizens of Maine lack good judgment and common sense. The argument could also call to question their judgment in electing us to be their representatives and in electing their probate judges and in deciding bond issues.

You may argue that if the people were granted this power, they would flood the ballot with proposals. The history of proposals submitted to the electorate in the fourteen states that provide this right to their citizens does not bear out this argument. In fact, of the three methods now available for altering constitutions—legislative proposals, initiative proposals, and convention proposals—the proposals from the legislatures have had the highest rate of success. The adoption rate for initiative measures is much lower than the adoption rate for the other two methods for all proposals submitted during the operative life of constitutions.

The average adoption rate for constitutional initiative proposals is approximately one in three or half the adoption rate of the other two methods. Even in California, which is somewhat notorious for initiative petitions, out of 123 proposals submitted to the electorate since 1911, only 21 have been adopted. Massachusetts, since 1918, has only amended their constitution once by this method, and in Michigan, which has had this method in its constitution since 1913, has used it not at all.

Mr. Stillings from Berwick has said that the citizens do have the right to amend their constitution through their representatives. But what happens when state legislatures are inequitably apportioned? What happens when malapportionment enables a minority of the voters to elect a majority of the members of both houses?

You may respond that since the Supreme Court ruling "one-man, one-vote," Legislatures are no

longer inequitably apportioned. But we only have to look at our own state to see that it is true. Because of our constitutional apportionment formula, in the House we have one person representing 5,241 people and another one representing 11,028, a deviation of over 87 percent.

We can also point out another fallacy or weakness of the argument, that we can amend the Constitution through the election of Representatives. No person of good sense and judgment elects a representative on the basis of how that representative feels or votes on one issue alone.

You may also maintain that this method is too expensive, but you cannot deny that it also serves as a device for public education, and stimulation of popular interest in important issues. We have only to look at how the public debate on the income tax repeal initiative served the public and government well in stimulating participation, discussion, and in promoting an awareness and evaluation of our entire tax structure. I suspect the public power initiative will do the same.

If the people are granted the power to alter their Constitution directly, they would overuse or abuse that privilege is often an argument used against it. This would seem to derive from the belief that the people may be irresponsible. My answer to that is, we are not elected to be the protectors of the people, only their representatives, to give them the laws they need and desire and reconcile differences to the best of our ability and judgment when there are conflicting interests. We are not elected to protect the people from themselves.

No extensive use of the constitutional initiative is expected or desirable as long as the legislature is responsive to public needs and desires. But to deny them the ability to alter their Constitution is a denial of their right under Section 2 of The Declaration of Rights. And if no one has asked for a roll call, I will.

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

Mr. MULKERN: Mr. Speaker and Members of the House: I rise in support of L. D. 1765. I think in essence the whole problem here, really, this amendment already, we are already giving very broad powers to the people. It says that the electors may propose to the legislature for its consideration any bill, resolve or resolution including bills to amend or repeal emergency legislation by written petition to the people. Now, if we are already doing this, I can't see that that alone has resulted in chaos in the State of Maine.

Things seem to be running pretty smoothly and I can't understand why we can't trust the people of the State of Maine well enough to give them this one additional power. I support this bill.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: This is not a very good time, the last day of the week when people want to go home, to debate such an important thing, it seems to me, the matter of the Constitution.

I hate to disagree with my very fine, well researched, talented legislator from Portland, Mrs. Najarian, and my other friend from Portland, but I think I have to go back a little further than just the State Constitution. I have to think of the Federal Constitution and the great genius of that world renowned, and respected document is the fact of its brevity.

It is only 4,000 words long, the Federal Constitution. The amendments that we have added in 175 years make up only 4,000 words, and the framers of the Constitution put in some barricades. We could go out here in our state according to this proposal and get 40,000 people to sign a petition to change our Constitution.

Now, the Federal Government has put up protective barricades which have been necessary. There are four ways of amending the Constitution of the United States and only two of them have been used, but it takes 34 states to

present an amendment to the Constitution and then it takes 38 states to ratify it. Now, that gets sifted down pretty well and I know one of the great problems of state constitutions is that they are too long. They have cluttered the constitutions up with this and that and everything else. And as long as I have been here, we have passed quite a few amendments and there has been no problem and I see no injustice done. But if this were to be passed in this form, I think it would open up a Pandora's Box and not be effective.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I signed the majority report. I am well aware of the fact that any change in the Constitution requires a favorable two-thirds vote by each house of the legislature.

I would like to point out though that I think the strongest argument for the minority report that this "ought not to pass" is that the Constitution provides protection for minorities, minority groups and the minority interests. The more difficult it is to amend the Constitution, the greater likelihood that the will of the people at the moment wouldn't prevail.

My own thinking, however, is that we ought to be able to trust the people in that the Constitution itself is the basic document by which the people created their government and they should have the right to change 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 Berwick, Mr. Stillings, that Resolution Proposing an

Amendment to the Constitution to Permit Initiative Amendments to the Constitution, House Paper 1426, L. D. 1765, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, P. P.; Berube, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Fecteau, Ferris, Finemore, Gahagan, Garsoe, Gauthier, Good, Goodwin, H.; Hamblen, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, Mahany, Martin, McMahon, McNally, Merrill, Morin, L.; Morton, Murchison, Palmer, Parks, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Soulas, Sproul, Stillings, Trask, Tyndale, Wheeler, White, Willard, Wood, M. E.

NAY — Binnette, Boudreau, Chonko, Clark, Connolly, Cooney, Curtis, T. S., Jr.; Dunleavy, Dyar, Genest, Goodwin, K.; Greenlaw, Hobbins, Kilroy, Lacharite, LaPointe, Lynch, Maxwell, McHenry, McKernan, McTeague, Mulkern, Murray, Najarian, Perkins, Peterson, Rolde, Smith, D. M.; Smith, S.; Strout, Talbot, Theriault, Tierney, Whitzell.

ABSENT — Berry, G. W.; Briggs, Brown, Bustin, Carter, Crommett, Dow, Farley, Faucher, Flynn, Fraser, Hancock, Haskell, Hodgdon, MacLeod, McCormick, Mills, Morin, V.; Norris, O'Brien, Santoro, Sheltra, Silverman, Snowe, Susi, Tanguay, Trumbull, Walker, Webber.

Yes, 87; No, 34; Absent, 29.

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

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

Mr. EMERY: Mr. Speaker, having voted on the prevailing side,

I now move that we reconsider our action and hope everyone will vote against me.

The SPEAKER: The gentleman from Rockland, Mr. Emery, moves that the House reconsider its action whereby this Resolution was indefinitely postponed. All in favor of reconsideration will say yes; all opposed will say no.

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

Sent up for concurrence.

Second Reader Tabled and Assigned

Bill "An Act Relating to School District Reorganization" (H. P. 1076) (L. D. 1398)

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

(On motion of Mr. Tyndale of Kennebunkport, tabled pending passage to be engrossed and specially assigned for Wednesday, April 18.)

Second Reader Tabled and Assigned

Bill "An Act Regulating Water Well Construction and Pump Installation" (S. P. 173) (L. D. 428) (C "A" S-54)

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

Mr. Brawn of Oakland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-184) was read by the Clerk.

(On motion of Mr. Parks of Presque Isle, tabled pending the adoption of House Amendment "A" and specially assigned for Tuesday, April 17.)

The following Enactor appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four (H. P. 1419) (L. D. 1733) (Emergency).

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

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I didn't get here this morning until just about bell time and I started to work on this thing from 5:30 this morning until about 12 o'clock this noon.

My position on our own budget was that I had accepted the budget as submitted by the county commissioners to the delegation and stated so. I intended to make no changes, I wanted to leave the budget as it was. Justifiably so, of course, it was useless for me to go to any meetings. My position was well known and it was made public. Subsequently, of course, the delegation met and they voted and they submitted programs that are to be cut from the budget in the form of lump sums.

As we have a ruling of two years ago and that has been explained before, the only thing any county can do is say if the sum is \$640,000 for the first year and \$700,000 for the second year, then the delegation and the county government, by gentlemen and gentlewomen's agreement, agree that the majority will prevail. In this instance, the majority prevailed where this large sum was cut. And I am not quarreling with that.

However, this morning I talked with two members of the county commissioners and last night I talked with them and they told me what cuts would be made. I talked with them again this morning and I talked with others who felt that there should not be any cuts at all. I said that I would go along with cuts, but I would like to see two of the cuts put into the budget reinstated. Both cuts are extremely important. I have gone through the budget, the county budget, this morning with a fine tooth comb with an eye for nothing but objectiveness in seeing exactly where we could cut. The county commissioners cut all new existing programs, including the patrolling of the towns, civil defense, superior court, and the food stamp

program. They have, besides that, to find some fifty odd thousand dollars of existing programs for additional cuts.

I have been informed by the chairman of the county commission that he could live with that. Of course, if we do add to the budget of any county, the county commissioners do not have to do what we would tell them what to do. But there can be a gentlemen's agreement, which I know would hold.

The two programs — and I have changed my thinking on the program. I am willing to go along with all of the cuts outside of two which would be very very detrimental to us. I speak of the two cuts; one, patrolling of the towns, which means the operations of Department of Motor Vehicles of three cars at \$8,400; the other means, the \$66,000, of the Food Stamp Plan Program which we would lose.

Now, there is a bill in the legislature which is on the Appropriations Table that would have the state pick up half the tab of the Food Stamp Plan and the county pick up the other half. But even that would leave the county for \$33,000 for each year, and they do not have the money for that program. This program brings in \$2.5 million into our area. It keeps alive several small stores. The program, like any other program, has been violated but has been a fine, fine program in that not one store, to date, has been suspended from the program because of any violation. Like there is in A.D.C. or any other program, there are cheaters. But this through proper policing, has been held down to a minimum.

This would mean that in all the towns and cities in Androscoggin, some of these people who are now drawing on the Food Stamp Program would draw further on welfare in the welfare acts. It would mean higher taxation because of the amounts of money that we get from the federal government.

It is not my intention to delay in any way but this is, in my opinion, of extreme importance, or extreme urgency. I am thoroughly convinced that an amicable agreement can be reached. The county

commissioners, two of them — and I am confident the third one will agree but at least two of them; I have talked with them, I could not reach the third one — have agreed that if the monies which would take care of the patrolling of the towns and also the food stamp were reinstated in a lump sum in the budget, they would operate, use that money for the operation of the food stamp plan and the patrolling of the towns.

I or someone else in the delegation would have the amendment prepared, Mr. Speaker, on Monday and it would be presented. The budget would be engrossed again and sent in to the other body to be brought back here for enactment. True, it would mean a delay of a couple of days. We have had a delay of several weeks on it, I don't think that two days would be the end of the world.

This is of tremendous importance to our people at home. I would beseech you to table this matter for one day so that this amendment can be prepared and presented. This is extremely important to us and to our people and I urge you please to go along so that the amendment — I can back up the bill and the amendment would be presented.

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

Mr. FINEMORE: Mr. Speaker, I move this bill be tabled for one legislative day.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that this matter be tabled one legislative day.

Mrs. Berube of Lewiston requested a vote.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Bridgewater, Mr. Finemore, that Supplement No. 1, L. D. 1733, lie on the table one legislative day. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: Just a few remarks. What I cannot understand is that the present budget suggested is 19 percent above the previous budget. This amounts to some \$177,000 extra, which I feel should be ample to cover the Food Stamp Program as well as the patrolling of the towns. I think it is a case of priority. And I think that food stamps are very important, as well as the patrolling of the communities, the neighboring communities. I feel that if they wanted to cut, they certainly wouldn't have to cut the Food Stamp Program.

It is difficult for me, it is an awkward position to have to oppose a political titan in a sense. For a fleeting moment I nearly forgot some of the words by which I have tried to steer my actions here. And that is, if you will permit me to quote something which I like to keep on my desk, it goes like this, "I am only one, but I am one. I can't do everything, but I can do something, and what I can do that I ought to do and what I ought to do by the grace of God, I will do." And this is to support the budget as it is approved by the delegation.

I feel that the additional proposed increases that will be brought by amendment would create an unfair burden on the city of Lewiston. And I cannot accept further increases which would jeopardize the tax structure of my community.

I find especially repugnant that out of apprehension the threatened loss of a social service program if added increases are not allowed, one might be made to cast a vote on this measure out of fear. And I would have hoped that one's vote, my vote, should not have to be based on fear but rather on objective reasoning and in the best interests of our respected constituents.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: I am one of those who did attend every single delegation meeting. I want to express my views and the views of the majority of our delegation.

The proposed budget had a 49 1-5 percent increase in the proposed budget. The previous budget was for \$924,000 for the biennium of '71 and '72. Nobody stood up and questioned this budget. There was an overwhelming amount of money in surplus. Therefore, for the year '71 our current commissioners unbeknown to the existing delegation at the time and unbeknown up until a week ago of today's delegation they have provided themselves with a special fund to build a district court. They took \$50,000 out of surplus, which could have been distributed among the communities for a lower tax rate.

So now they have a fund of \$100,000. I have been told we cannot touch it. I realize that. They cannot touch that \$100,000 fund providing they still maintain that they want to build a district court in Auburn. Now, the delegation knew nothing about their intention of building a district court, only the three commissioners are the only ones aware of the fact that we are potentially going to build a district court. We are in need of it, supposedly. But if they want a district court, they want to build a district court, let them put it in the budget.

I have been told, according to law, you can only use that money for capital improvements. All well and good, unless you abandon the idea. Or if they run short of money, I would assume they should abandon the idea of building the district court, use this \$100,000 and in the next biennium, include the district court in their budget. I said, "We are not dogs, we will go along with their requests." We want to understand things. We have requested on repeated occasions to meet with the department heads and the delegation.

I have a letter in my possession I could spend a little more time on to present to you where they refused to meet with any member

of the delegation because they quoted, "We are responsible to the county commissioners, we refuse to meet with any one of you." It was signed by five department heads.

We have worked tediously, we have done the best we could with what we had and we authorized them a 19 percent increase rather than a 49 percent increase over the biennium, which will represent \$177,000. Actually, if the figures for '71 and '72 are to be gone by, it should represent almost \$377,000, because they redistributed money to the communities from the '71 budget aside from taking the \$50,000.

I want to go a little further on this. I want to quote you some of these notes. I have been told that the '72 budget ended up with a \$35,000 surplus. That is the correct figure presumably. But in committee two weeks ago in the special executive meeting, the commissioners appeared, along with the county treasurer, and he testified, not through questioning of my own because I believe the figures in the budget. Through Mr. Farrington, our House chairman, at the time Mr. Norman Labbe, the treasurer of Androscoggin County, testified that he had over \$96,000 as a surplus for '72, which is the money that they were operating with at the time. So they have got the money, we feel they have and I do not think they have to curb any of their proposed expenses for the biennium.

Now, if they do need the dough, the money is there. Let them take their little ideas about building a district court in another area.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am not making an issue of what was done in committee and what was done in meetings. I can't, I didn't attend. I have gone along with the budget as it is. I saw no need to get myself into any further hassles.

I am aware of the fact that there is some money for a construction account. Now, where the court is going to go, whether it is going to go to Lewiston or whether it

is going to go to Auburn, I do not know and I could care less. But the fact of the matter is — and I did not know about this because this letter is dated as of April 10 and it is from the Honorable Thomas E. Delahanty, II, who is the Androscoggin County Attorney, attorney for the county commission. And the very last paragraph is indicative of it. "A strict interpretation of further statutory requisites indicates that funds set aside in reserve accounts cannot be used for other than the original purpose of the account."

If this is enacted now, whether they wanted to or not, they are stopped by statutes from using any of that money. It would be perfectly proper and all right with me if a further amendment was put in, tacked onto the amendment that would shift this money, if it can be made from the construction account to fund these programs that I speak about. But if the bill is enacted, then you just cannot do that. As it stands now, the position we are in is that we would lose these programs, and I mean we would lose them. I am merely pointing that out.

I will not comment on the fact that I have been accused of being a political titan because I only have a Masters Degree and I would not know quite how to decipher that description. But I will get to it somehow. In any event, I do not think it is necessary to comment any further in that area. But I might comment that at times, advice from political titans has been heeded.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: In representing the views of the citizens of Brunswick, I must vote no on this resolve. Therefore, I merely want to give a brief explanation of my action.

The county delegation included in the budget \$50,000 for social services. The services that this money is going to fund are those which the state did not include in L. D. 1412. In the entire county,

less than 15 municipalities used any of these other programs. Brunswick, the town I represent, is one of the municipalities which does not use any of these programs. The \$50,000 that is put into the budget, means a \$3,000 tax to the citizens of Brunswick.

Since less than 15 municipalities use these programs, I feel that the municipalities using them should contract individually for them. As we all know, the purpose of revenue sharing was for this purpose, to run programs which are not funded with state or federal money.

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: To clarify the word "surplus", I believe Title 30 of the Maine Statutes states that surplus can be used for two reasons: to rebuild a contingency fund to a maximum \$50,000, which is a requirement for all counties or to reduce taxes in the next year.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I certainly do not want to interfere with any delegation's views regarding budgets at this moment. I do, however, take issue with the gentleman from Lewiston, Mr. Jalbert, by talking on what I consider to be, in a way, a threat to cut programs which are very worthy programs. For my view of their particular budget, there would be ample money there to support these programs.

I think it is an injustice to impose upon your good judgment to insinuate that these two programs in particular that he mentioned would be cut out. I think, in fact, the commissioners would answer to a lot of people in their area to have at least the food stamp program cut out in order that the minority of the delegation might possibly get its own way.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I would like to have this House know that I am not threatening anybody. I am not saying I want my own way. I am, however, going to tell you two things: One, in the fact of a statement; two, in the point of a question. The statement is this: that tote board has to show 101 votes; and believe me, it is not going to show 101 votes, number one. Number two, if the gentleman from China, Mr. Farrington, can show me right now where to cut the budget further and where the money is coming from to reinstate these two programs that I have stated, I want him to get up and do it right now with facts.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I think Mr. Farrington's remarks were very apt this afternoon.

As vice-chairman of the Androscoggin delegation, I told you yesterday that the vast majority of our delegation had no further reservations about this budget. And I have not been around this House as many semesters as the gentleman from Lewiston, but I learned very painfully two years ago when we discussed our budget that the way we worked around here was that the minority of the delegation, whether they have attended meetings or not attended meetings, abide by the wishes of the majority. And I might point out that I was in a six to seven minority two years ago and we graciously went along with the budget, which many of us felt could stand some further cuts.

So, this afternoon I am almost outraged that this man could keep this House tied up as long as he has defending things that are indefensible, especially —

Mr. JALBERT: Mr. Speaker, a point of personal privilege.

The SPEAKER: The gentleman may state his point of personal privilege.

Mr. JALBERT: Am I not entitled to rise and speak as long as I can and want to as long as I am speaking on the subject and was I not speaking on the subject when I was talking?

The SPEAKER: The gentleman was speaking on the subject but the Chair thought the gentleman had sat down and completed his statements and the Chair recognized the gentlemen from Sabattus, Mr. Cooney. The Chair will recognize the gentleman, Mr. Jalbert, as soon as Mr. Cooney completes his remarks. The gentleman from Sabattus may proceed.

Mr. COONEY: Now I have lost my train of thought but I think it was pretty evident what it was.

I would remind you once again our delegation has done everything possible to be fair in this budget.

I might reiterate the remarks of our House chairman, Mr. Tanguay of Lewiston, that we have not touched any monies that regard patrolling of towns, as Mr. Jalbert has mentioned is in jeopardy. We have not touched any money regarding the food stamp. We have, however, cut things like travel accounts; have cut things like building accounts, which I think most of you probably also look over when you go over your county budgets.

I urge you to act as we have acted in past legislatures and give this measure final passage.

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

Mr. JALBERT: I have spoken more than twice, Mr. Speaker.

The SPEAKER: The Chair apologizes if he interrupted your speech earlier. I thought you had completed your remarks.

Mr. JALBERT: You didn't interrupt my speech, Mr. Speaker. My only comments were to the effect that I thought I had a right to speak in this House on the subject as long as I wanted to, as long as I stayed on the subject. My reason for rising on a point of personal privilege was to the effect that I was a little possibly outraged myself that somebody should be outraged that I would speak on a subject that is important.

I am not taking issue. I am not saying that I am in the minority or the majority. I didn't go to any meetings. I am just saying that somewhere along the line this thing could be straightened out. As it stands right now we must have these funds in jeopardy. And as far as speaking, you know, as chairman of a delegation or vice-chairman of a delegation, just how do you think I felt, Mr. Speaker, about an hour ago when somebody got up from my own delegation, the gentleman from Lewiston, Mr. Tanguay, and said, "As Chairman of the Androscoggin delegation, I move to accept the 12 to 1 minority report." when one member of the delegation who was on the committee signed it the other way around. You know things can work both ways.

I am not in any way trying to delay anything. I am trying to salvage something that is very valuable and very important to my people at home. I am in the minority. I accept that. The county delegation that made the cuts did a good job but the commissioners are making no threats. They have indicated where their cuts would be and would have to be.

Now, if I could be shown where we can keep and make sure that we keep the food stamp plan, why fine and dandy. But if we enact this measure today, we lose the food stamp plan and I just don't want to do that. We lose the patrolling of the towns and cities. I just don't want to do that. And that is going to be my final say on the matter, Mr. Speaker.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: Being a mild-mannered man, I will not get into any controversy but I want to make this statement that I, as a member of the Androscoggin County delegation, do not approve the cuts that were made, the way they were made. Therefore, I cannot vote for this package.

I want the people of Androscoggin County to know that I will never vote to take away their food stamp program or the

patrolling of the towns and this is what is going to happen when we pass this budget and I want to be on record as not approving that.

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

Mr. TANGUAY: Mr. Speaker and Ladies and Gentlemen of the House: The delegation has met on numerous occasions and everybody was allowed to express their views. Mr. Cote expressed his views but like many of the delegations, he ended up in the minority.

The proposed cuts, we didn't propose to cut the food stamp program. Far from it. We did not propose to cut the patrolmen in their towns. At the present time they are subsidized by E.E.A. and from what we understand from the commissioners, as soon as this budget is passed, most delegations will find out that the E.E.A. program will go for another year.

In our budget, unlike some of the other delegations who cut their budget with revenue sharing money, we didn't even touch one dime from the revenue sharing money, which at the present time we were told yesterday it was \$88,000 that they have presently. The revenue sharing is going to go for another five years. They are going to get another eighty-eight or ninety thousand dollars of revenue sharing this year and they can use this money discreetly and there are ways of getting it in the budget because other counties have reduced their budget for the biennium where we increased ours by \$177,000 without even touching revenue sharing.

Now, I feel that Mr. Farrington was asked a very unjust question because Mr. Farrington, like Mr. Jalbert, did not attend our county caucuses.

It seems that Title 3, Article 5202 that these capital expenditures, once money is put in a fund for capital expenditures that the fund must remain there and be spent solely for capital expenditures unless the county commissioners abandon their idea. It was the feeling of the Androscoggin delegation that they abandon their idea and give to the people their just

rights. I mean, this was a surplus, it should have been returned to the people. There is \$100,000 in that fund more so — it will cover more than the proposed cuts that the county commissioners are proposing to do now. I mean, they want to cut out the food stamp and the patrolmen who are presently E.E.A. patrolmen.

I would also note that if the communities for 1971 and 1972 were taxed by over \$100,000 in excess of what should have been appropriated with our delegation, I feel that our delegation wronged the people we represent by allowing them another \$177,000 in surplus monies for the future. I understand it is not our position to do any particular cuts. We did not suggest to the county commissioners where we were going to cut. We just told them they are going to receive solely a \$177,000 increase. I will tell you, if I could go home today and you people tell me I have got \$50,000 in my pocket more than I had last year, I would thank God that I am still alive to spend it.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I am not from Androscoggin County, I am from Somerset; but I hope you people remember one thing, that this is only the beginning of what is going to be in the next session when we go through these things line by line for 16 counties.

Now, this is something I think could be ironed out in the delegation and they could have come to some accord before it came on the floor of this House and delayed it today. I don't think this is going to pass either because I do not think we can get the 101 votes, and I would hope that maybe someone would get a ruling from the Attorney General or maybe the Chairman of the House Committee on County Government whether we can offer amendments to pull out those counties that are not in agreement so that we can get the budgets passed for the other counties that are in agreement.

Now, as far as Mr. Jalbert from Lewiston is concerned, this is my third session here and I have known him right along and when he is concerned about something, he is concerned. I think maybe that the delegation should have worked together and ironed out their differences because if he is concerned, there is a reason for it, because he has gone over the budget and he has worked hard on all the budgets. I think you should iron out your differences in the delegation and not on the floor of the House.

Mr. Cooney of Sabattus moved the previous question.

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

Obviously more than one third of the members present having voted for the previous question, the previous question was entertained.

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

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I believe I should have a chance to say a few words because I am one that opposed this budget. It is very critical to our food stamp program in our county and I would like to voice my opinion on this. So I would like very much to have a chance to speak on this item.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I concur with the remarks of the gentleman from Bridgewater, Mr. Finemore. I think it is very unfair to cut off debate in this manner. I know it is getting late but there are things that we in Aroostook County delegation are concerned

about that we don't know that we have the right answers and I am sure that we want the right answers to this and I believe that there are those who wish to speak that have been cut off. Time should be restored.

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

Mr. JALBERT: Mr. Speaker, I spoke three times on this thing. I was given the courtesy of speaking a third time and I am somewhat outraged at the gentleman from Sabattus, Mr. Cooney, who spoke twice who would stop anybody else from speaking. I certainly hope that anybody who has anything to say has the right to say it including Mr. Finemore or anybody else in this body.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: I know that a member from my delegation would like to say a few words on this matter and I hope that you would not eliminate him.

The SPEAKER: All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken, and a sufficient number not having voted in the affirmative, the motion did not prevail.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I thank you very much for giving me a chance to say a few words. I am not against the Aroostook County budget as it is now. In fact, I voted for it only for one reason alone. We need a \$100,000 for our stamp program. We have been told by the chairman of County Government that it is there.

As I understand the law and read the law, if we pass this here today, this is our final Aroostook County budget. That will go to the towns. They will figure the amount of mills the county wants as it is now. And if that is so, we will not have our stamp fund. They tell

us, "Oh, it is on the amendment to go along with revenue sharing." But revenue sharing cannot be used for food stamps. It cannot be used for anything whatsoever that has matching funds from the federal government. Food stamps have matching funds from the federal government.

So I believe that this should be held over to a later date than today and we would have a chance to amend it to \$100,000 and they can do whatever they wish with the revenue sharing fund. We do not want to lose food stamps. Pardon me for speaking a little rough today, because I am concerned, we do not want to lose them. As I understand the law, and I think I have gone as deeply into it as anyone in here, I am like Mr. Jalbert, when I want something, I try to study it out, and we cannot get along without amending this, amending it \$100,000.

I hope today we will vote this down and go along the first of the week and amend this the different ways we want. I thank you again for letting me speak.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the two gentlemen from Aroostook County concerning their food stamp money, it is in their budget. They requested \$100,000 for the biennium and it is in their budget. If you vote to pass this package, enact this package today, \$100,000 is in your budget.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I do not want to prolong this debate except that I want to clear the record. First, I am not against any member of the Androscoggin County delegation. Secondly, I did not go behind their backs and I made the statement and I want to go on record, because when I left the last meeting I told them I was going to make a statement on the floor of this House not accepting the budget, because I feared that we would

lose our food stamp program and I wanted the people at home to know that I had no part in cutting a budget that would lose that program for Androscoggin County. That is the reason that I got up and as I said, I am not against any individual member of the delegation. I told them what I was going to do and that is what I did.

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

Mr. ROSS: Mr. Speaker, I move this be tabled for two legislative days.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves this matter be tabled for two legislative days, pending passage to be enacted. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Martin of Eagle Lake requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All 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 this matter be tabled for two legislative days, pending passage to be enacted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Binnette, Brawn, Bunker, Carrier, Conley, Cote, Evans, Finemore, Genest, Good, Hunter, Kelleher, Keyte, Lawry, Lynch, Merrill, Morton, Norris, Parks, Rolde, Rollins, Ross, Shaw, Shute, Sproul, Theriault, Willard, Wood, M. E.

NAY — Ault, Berry, P. P.; Berube, Birt, Boudreau, Bragdon, Cameron, Carey, Chick, Chonko, Clark, Connolly, Cooney, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Deshaies, Dow, Drigotas, Dudley, Emery, D. F.; Farnham, Farrington, Faucher, Gahagan,

Garsoe, Gauthier, Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hoffses, Huber, Immonen, Jackson, Jacques, Jalbert, Kelley, R. P.; Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Morin, L.; Mulkern, Murray, Palmer, Perkins, Peterson, Pontbriand, Pratt, Ricker, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Stillings, Strout, Susi, Talbot, Tanguay, Tierney, Trask, Webber, Wheeler, White, Whitzell.

ABSENT — Berry, G. W.; Bither, Briggs, Brown, Bustin, Carter, Churchill, Crommett, Curran, Davis, Donaghy, Dunleavy, Dunn, Dyar, Farley, Fecteau, Ferris, Flynn, Fraser, Goodwin, H.; Hancock, Haskell, Henley, Herick, Hodgdon, Kelley, Littlefield, MacLeod, McCormick, Mills, Morin, V.; Murchison, Najarian, O'Brien, Santoro, Sheltra, Silverman, Snowe, Trumbull, Tyndale, Walker.

Yes, 30; No, 79; Absent, 41.

The SPEAKER: Thirty having voted in the affirmative and seventy-nine in the negative, with forty-one being absent, the motion does not prevail.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: First of all, in reference to the remark dealing with Aroostook County, the money is there. It is in the budget. The gentleman from Bridgewater, Mr. Finemore indicated to me earlier that he had no intentions of supporting the budget anyway, regardless of what happened. I am pleased to know that if we had another \$100,000 he would be with us. To me, it is refreshing to know that, because he was so concerned that we wouldn't have enough votes. I suspect though that after seeing the number of votes that we have had on the tabling motion, there are not enough people left here

this afternoon to pass anything, including this one or anything else. The gentleman from Lewiston, I think, has won his point, even though I hate to give in to him.

The third thing I think we ought to make sure of before we leave here today, before this is tabled for one day perhaps, is this: It seems to me that once the county has decided, by whatever majority, whether it is one vote or 99 percent, that the majority is assumed to have won and the minority loses.

I have been on many losing battles in Aroostook County and the gentleman from Perham, Mr. Bragdon, will agree with me that he has won more than I have ever won in dividing up the budget in Aroostook County. I do not ever recall when the Democrats have ever controlled the dividing up in terms of total votes in the delegation, and so we have had to be magnanimous in agreeing with him and we have done so.

The point is, however, that we have always assumed that we worked on the basis of the majority. And if we end up, in a certain instance at a certain time, when someone loses, someone has got to lose, and I suppose that we ought to think about that.

I just hope that when we come back next week, that we get rid of this, that the majority of the delegation in each delegation will abide by the decision of each group and that will be the end of it.

Now, Mr. Speaker, I am going to have to ask that someone table this for one legislative day.

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

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: I was going to say that as far as I am concerned if there are votes enough here today to pass this thing, I am ready to go through with it. I doubt very much if the votes are here. However, on the word of the gentleman from Eagle Lake that this \$100,000 is provided in our budget and also verified by the chairman of the Towns and Counties Committee, this is good enough. I would go

ahead with that. So if the votes are here, I am willing to go along with it.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: Just for the record and very briefly, the minority of the York County delegation accepts the rule of majority will. But we will vote no on the budget vote, to register our protest. And secondly, for the record, the Republican minority of the county delegation did not oppose the cut that was made, as it was stated in the newspaper. We just did not feel that it went far enough.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: One question for Mr. Martin, if I may.

The SPEAKER: The gentleman may pose his question.

Mr. FINEMORE: I would like to ask the gentleman from Eagle Lake, Mr. Martin, if this is in the budget or in the supplemental budget that is coming later? If it is in this budget that we are voting on today, or if it is coming later, I would like to ask that one question, if I may.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As the gentleman is aware, there was a supplemental budget that was prepared for Aroostook County and filed at the Secretary of State's office that dealt with revenue-sharing funds. Since many of the items in there specifically specify that revenue sharing could not be used to match federal money, some of those items were shifted into the regular budget and others shifted into revenue sharing to take care of that problem.

I have been told that the money is there. I have to assume that what I was told, is accurate.

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

ROLL CALL

YEA — Albert, Ault, Berube, Boudreau, Bragdon, Bunker, Cameron, Carey, Carter, Chonko, Clark, Conley, Cooney, Cottrell, Curtis, T. S., Jr.; Dam, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Fecteau, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Kelleher, Kelley, R. P.; Kilroy, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McNally, McTeague, Merrill, Morin, L.; Morton, Mulken, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Soulas, Sproul, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Baker, Berry, P. P.; Binnette, Birt, Brawn, Carrier, Chick, Connolly, Cote, Cressey, Deshaies, Dudley, Finemore, Jalbert, Keyte, LaCharite, McMahon, Pontbriand, Pratt, Stillings, Webber.

ABSENT — Berry, G. W.; Bither, Briggs, Brown, Bustin, Churchill, Crommett, Curran, Davis, Dunn, Dyar, Farley, Ferris, Flynn, Fraser, Goodwin, H.; Hancock, Haskell, Henley, Herrick, Hodgdon, Kelley, Littlefield, MacLeod, McCormick, Mills, Morin, V.; Murchison, O'Brien, Santoro, Sheltra, Silverman, Snowe, Trumbull, Tyndale, Walker.

Yes, 97; No, 21; Absent, 36.

The SPEAKER: Ninety-seven having voted in the affirmative and twenty-one in the negative, with thirty-six being absent, ninety-seven being less than two-thirds, this Bill fails of final enactment.

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

Mr. BIRT: Mr. Speaker, I move we reconsider our action whereby this bill failed of passage to be enacted.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the House reconsider its action whereby this Bill failed final enactment.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Wednesday, April 18.

Passed to Be Enacted Emergency Measure

An Act Relating to Name of Maine Commercial Fisheries (H. P. 1095) (L. D. 1432)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Authorizing Piscataquis County to Collect and Dispose of Solid Waste on a Regional Basis (S. "B" S-65) (S. P. 270) (L. D. 795)

An Act Revising Certain Motor Vehicle Laws (H. P. 653) (L. D. 867) (C. "A" H-160)

An Act Relating to Pollution Control Costs on Construction Projects (S. P. 301) (L. D. 950) (S. "A" S-63)

An Act Relating to Membership on the Lewiston-Auburn Water Pollution Control Board (H. P. 767) (L. D. 1000)

An Act Relating to Due Date for Payment of Inheritance Taxes (H. P. 1144) (L. D. 1337) (C. C. "A" S-62)

Finally Passed

Resolve to Reimburse Frank E. Wise of Gorham for Plane Damage at Augusta State Airport (S. P. 428) (L. D. 1298)

Resolve to Reimburse Vivian Morrison of Dixfield for Property Damage by Highway Construction (H. P. 1064) (L. D. 1388)

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

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

Bill "An Act Establishing an Open Season on Moose" (H. P. 32) (L. D. 39)

Tabled — April 10, by Mr. Good of Westfield.

Pending — Motion of Mr. McNally of Ellsworth that House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to bid a fond adieu to this bill, but the hour is late and I don't want to take up any more of your valuable time. Now I wish some kind gentleman would table this for one legislative day. I promise to dispose of it then.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, I move this lie on the table one legislative day.

Thereupon, Mr. McNally of Ellsworth is on the motion of the worth requested a vote on the motion.

The SPEAKER: The pending gentleman from Hampden, Mr.

Farnham, that this matter be tabled pending the motion of Mr. McNally of Ellsworth to recede and concur and specially assigned for Tuesday, April 17. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 13 having voted in the negative, the motion did prevail.

The Chair laid before the House the second 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 10, by Mr. Birt of East Millinocket.

Pending — Passage to be enacted.

On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Tuesday, April 17.

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

Bill "An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle" (H. P. 201) (L. D. 274)

Tabled — April 11, by Mrs. Baker of Orrington.

Pending — Further consideration.

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

Mr. McMAHON: Mr. Speaker: I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

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

Mr. SIMPSON: Mr. Speaker, Are we in a position to ask for a motion to insist.

The SPEAKER: The Chair would state that we are in a position to insist. The House passed this to be engrossed as amended. The Senate indefinitely postponed it.

Thereupon, the House voted to insist and ask for a Committee of Conference.

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

Bill "An Act to Revise the Election Laws" (S. P. 493) (L. D. 1535)

Tabled — April 11, by Mr. Carey of Waterville.

Pending — Motion of Mr. Ross of Bath to Adopt House Amendment "D".

Thereupon, House Amendment "D" was adopted.

Mr. Ross of Bath presented House Amendment "E" and moved its adoption.

House Amendment "E" (H-216) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Don't let the length of this amendment overawe you. It really does only one thing. However, to accomplish this it required several changes in the Omnibus Bill 1535. As you remember we changed the law to do away with the big box and so we had to change that in our Omnibus Bill. However, as most of you remember we passed a new ballot this year changing the voting squares from the right to the left and having the surname come first next to the square.

All this amendment does is to change our Omnibus Election Law Bill to conform with this brand new ballot. Now in this amendment on Page 2, Section 34-d, under write-in, in this amendment it says you should write the last name in first, but it has been suggested since people know other people by their full names, we should delete this provision and I am willing to do that. I am having an amendment prepared to this effect.

Also, with the decision of the Supreme Court which was on the second or third page of your Calendar today, I am going to offer an amendment under Section 241, paragraph 3, dealing with the residency requirement. And L. D. 9, which the court decided on, which is on our unassigned table, can then remain as a separate bill and be discussed and subject of caucuses of both parties and any decision will rise and fall on its own merit.

I hope somebody will table this for only one more day, so I can present these other two amendments and then let it move on to the other body for their amendments, because I am quite sure it will be back in proper form for us to consider and amend it some more.

Thereupon, on motion of Mr. Jacques of Lewiston, tabled pending the adoption of House Amendment "E" and specially assigned for Tuesday, April 17.

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

Bill "An Act Repealing License Fee for Sporting Camps" (H. P. 1202) (L. D. 1540)

Tabled — April 11, by Mr. Dam of Skowhegan.

Pending — Passage to be engrossed.

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

Mr. DAM: Mr. Speaker, I would like to pose a question through the Chair. What is the reason that this bill does not comply with Joint Rule 12?

The SPEAKER: The gentleman from Skowhegan, Mr. Dam poses a question through the Chair asking why this Bill does not comply with Joint Rule 12, which is fiscal notes. "Every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved." The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: The revenue that is involved in this particular legislation was revenue for the Fish and Game Department. Normally, bills affecting the Fish and Game Department budget have never gone on an Appropriations Table; possibly they should, but the practice has never been adopted. We have an Appropriations Table for both highway and general fund bills. The revenue that is involved in this, and I understand it is a very small amount of loss in revenue, goes to the Fish and Game Department.

I think the essence of this budget, and certainly the sponsor can probably explain it as well or better than I can, but my understanding is that the supporting camps in the unorganized territories operate under a double standard. They have to be licensed by the Fish and Game Department as well as by the Department of Health and Welfare.

The Fish and Game Department indicates the loss of revenue is something that does not bother them. Probably in the amount that I understand is involved it would probably cost more to collect it than what actually the money involved is worth. They have indicated that they have no objection to this bill passing. These camps are licensed under the Health and Welfare Department the same as all other camps and boarding institutions. For that reason, I see no reason why this bill should not be moved along.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House. It is not a question of whether the bill should pass or not pass, because I am not opposed to the bill and that is not the reason for me tabling it. I am willing to let the bill go on its happy way, because it is only a matter of \$790 involved. But I did not, or I failed to read in Joint Rule 12 where it said anything about Fish and Game revenue. It did say that every bill or resolve effecting loss of revenue or requiring an appropriation shall be accompanied by a written statement as to the amount involved.

Now, if we are going to eliminate the Fish and Game Department, maybe later on with another bill

eliminate another department, then I would suggest to the leadership that maybe they ought to revise Joint Rule 12 so maybe we would know where we stand when we have a bill drafted, because maybe we won't have to go to the extent of getting the loss of revenue.

The SPEAKER: The Chair thanks the gentleman and will speak with the Legislative Research people.

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

Mr. MARTIN: Mr. Speaker, I must admit that we are in violation of Rule 12, regardless of the revenue. I frankly think that if we are going to comply with it, we ought to table it and get the amendment and put it on, because we are obviously in violation of the provision.

On motion of Mr. Good of Westfield, tabled pending passage to be engrossed and specially assigned for Tuesday, April 17.

The Chair laid before the House the following matter which was tabled earlier in the day and later today assigned:

Joint Resolution Commemorating Law Day, U.S.A. (S. P. 579)

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

House Amendment "A" (H-218) was read by the Clerk and adopted.

Thereupon, the Joint Resolution was adopted as amended in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion by Mr. Birt of East Millinocket,

Adjourned until Tuesday, April 17, at ten o'clock in the morning.