

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 19, 1973

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

Prayer by the Rev. Dr. Elmer Bentley of Augusta.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Theriault of Rumford presented the following Order and moved its passage:

ORDERED, that Polly Leighton and Catherine Bustin of Augusta be appointed Honorary Pages for today.

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

Mrs. Baker of Orrington presented the following Order and moved its passage:

ORDERED, that Seth Lawry and Sara Teague of Fairfield be appointed Honorary Pages for today.

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

Mr. Berry of Buxton presented the following Order and moved its passage:

ORDERED, that Donna Berry of Buxton and Tracey Rowe of Hollis be appointed Honorary Pages for today.

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

Mrs. Knight of Scarborough presented the following Order and moved its passage:

ORDERED, that Lynn Brunelle and William Brunelle of Cape Elizabeth be appointed Honorary Pages for today.

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

The SPEAKER: Will the Sergeant-at-Arms kindly escort Mr. Paul Reny, President of the Maine County Commissioners Association and Mrs. Gladys Spellman, Presi-

dent of the National Association of Counties to the rostrum.

Thereupon, Mrs. Spellman and Mr. Reny were escorted to the rostrum by the Sergeant-at-Arms.

The SPEAKER: The Chair is very pleased that Mrs. Spellman is here. She is the first woman ever elected to the office in the National Association of Counties. She is also the first woman ever elected to the governing board of Prince George's County in Maryland, which is a populous suburban county just outside of Washington, D.C.

She has served as a Presidential appointee on the National Advisory Commission on Intergovernmental Relations and an appointee of the Governor of Maryland on four state commissions: The Crime Commission, the Advisory Commission for Comprehensive Health Planning, the Commission to Study the State's Roll in Financing Public Education, and her newest and most important, the Commission to Restructure Government.

She was here and spoke yesterday at a committee hearing and we will be very pleased to hear a few words from you, Mrs. Spellman.

Mrs. GLADYS N. SPELLMAN: Thank you very much, Mr. Speaker. It is really a pleasure to be here. I know that as a rule when I am introduced as the President of the National Association of Counties, people sort of do a double take. They just aren't aware that the county officials are way ahead of their time and will even elect a woman. I am glad to say that they didn't discriminate against me because of the shape of my skin. That one usually just takes a moment to sink in.

I am here today because you are in your legislature considering reform in county government, and I think it is very exciting because the first step in any reform is the recognition that reform is needed.

I frankly was stunned some months ago to find how impotent the counties in Maine are, that their lack of home rule has seriously impaired their responsiveness and the quality of county services, also that it has created such a log jam right here

in the legislature with a growing sense of frustration at the grass roots.

We are right now in a new era. The whole question of inter-governmental relations is vital. The President of the United States — and I am a Democrat, I might say, but I certainly applaud our Republican President's idea of bringing government back to the people. And that President has set upon the course of implementing the new federalism. He is attempting to give power back to the states and power back to the counties and to the cities, and we have got to be ready in our state to face that new challenge. State and local officials really have missed this chance to prove what we have been saying for years, that government works best when it is closest to the people.

This whole gambit of intergovernmental relations needs to be explored. I served on the Advisory Commission on Intergovernmental Relations when we studied local and state government, and I think it will come as no surprise to you to find that we determined that the weakest level of government at the time was the state, because the state had allowed itself to get bogged down, so many that allowed themselves to get bogged down with considering local matters instead of sending those local matters back home where they belong.

So it is with great pleasure that I am here today to witness what I hope will be a real change in your governmental structure. The impotence of county government in Maine robs your citizens of a vital level of government. It is the destiny of the county to bring America together at the local level. The county is *prima facie* a regional unit of government. It is a meaningful transition between purely local matters which are handled by the municipalities and the state and the national government.

I learned many many years ago that as Maine goes, so goes the Nation. And in this case, I must say to you that you had better hurry, because in most of the

states this type of reform has been accomplished and we don't want it said that as the rest of the Nation went, finally along came Maine.

I had the pleasure of working on the Advisory Commission on Intergovernmental Relations with former Governor Dempsey, a neighbor of yours, who said had his state only understood the real role of county government, they would have county government there today. He realized after study that a great mistake had been made.

So I am delighted that today your committee will be considering the role of county government and that you will be moving forward so that you at the state level will be able to do the job for which you really were elected. Thank you so much for inviting me. (Applause, the Members rising)

Order Out of Order

Mr. Ault of Wayne presented the following Order and moved its passage:

ORDERED, that George Ault and Wendy Ault of Wayne be appointed Honorary Pages for today.

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

On the request of Mr. Simpson of Standish, the following matter 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)

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

Pending — Reconsideration.

The SPEAKER: Is it the pleasure of the House we reconsider whereby this Resolve failed of final passage?

Mr. McMahon of Kennebunk requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will

vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion to reconsider whereby this Resolve failed of final enactment. All in favor of that motion will vote yes; all opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carrier, Carter, Chonko, Churchill, Clark, Conley, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, J a l b e r t, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Ricker, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Walker, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Berry, P. P.; Carey, Chick, Connolly, Farley, Gauthier, McMahon, Pratt, Webber.

ABSENT — Berry, G. W.; Cooney, Crommett, Dudley, Dunn, Faucher, Genest, Goodwin, H.; Hodgdon, McCormick, McTeague, Mulkern, O' B r i e n, Pontbriand, Rolde, Santoro, Sheltra, Silverman, Smith, S.; Soulas, Sproul, Stillings, Strout, Tyndale.

Yes, 116; No, 9; Absent, 24.

The SPEAKER: One hundred sixteen having voted in the affirmative and nine having voted in the negative, with twenty-four

being absent, the motion does prevail.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I voted for reconsideration for the purpose that a little later on I would like to be able to place an amendment before the members of this body. I think everyone here agrees with me that there has been a great deal of effort made to reduce our taxes from the City of Washington down to the State of Maine. And I sincerely believe that with a little effort we can reduce some of our counties budgets and therefore, I would like to reconsider our action where we engrossed this bill and I would like to suspend the rules for further reconsideration.

On motion of Mr. Binnette of Old Town, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

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

House Amendment "C" (H-233) was read by the Clerk.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: In this budget, I feel like a lot of other members of my delegation, that there are places in there that another reduction could be made. Matter of fact, looking at it, our county commissioners, when they run for office, they know what their salaries are, similar to ours. After they get in there, they want an increase, a cost of living increase. Well, we do not ask for a cost of living increase. We couldn't get it anyway, as far as that is concerned. So therefore, I feel as though that is one area where we could reduce a little.

Now, another area that I think is quite a bit off, as a matter of fact, the utility services. I have talked with the chairman of the delegation. He told me it had gone up about 33 percent, cost of fuel and things of that type. In the

budget there is almost a 70 percent increase in that area. We have some extra clerks hired, which I am wondering why we have to have so many clerks. In the sheriffs department, there is not much mention made in the budget, but I do know that they have to give some of these inmates a few drugs at night to put them to sleep. I do not know, I do not think that is called for. I have been told that the cost of these drugs and tranquilizers and all that sort of stuff is costing quite a bit of money. I do not see any need of that.

I know that we cannot cut any specific items in these budgets that is a fact. But I do know that if we cut a certain proportional sum of the county budget, that the county commissioners will see fit to place it where it is most needed. Therefore, I hope that the members of this delegation will please accept this amendment and vote for it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The proposed amendment that Mr. Binnette has circulated before the House this morning pertains to Penobscot County. He has an indiscriminate figure of \$50,000 each year, which for the biennium is \$100,000. I am not saying that I am entirely satisfied with it, with the size of the budget in our county. Needless to say, it is before this House this morning. There are 15 other budgets that have to be considered.

I would have suggested to Mr. Binnette if he had any serious reservations, and I am sure that he does, he had opportunity for the past six or seven weeks to bring it to the notice of our chairman, Mr. Cox, and to the House members of specific areas that he was considering and the amount of money that he would like to see taken away from these areas and the reasons for it. He has talked about a small amount of money. He is talking about \$100,000. He named two or three areas in the sheriffs department, clerks hired. Altogether it wouldn't

come to 15 or 20 thousand that he is talking about. I think that at this late stage in the game that this amendment should be defeated. I move the indefinite postponement of this amendment, Mr. Speaker.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: In reply to my good friend from Bangor, Mr. Kelleher, he said I had a lot of time. I did contact the chairman of the delegation and he said we will call a meeting. And the meeting was called last week with one-half hour notice, and therefore, a lot of the members of the delegation could not attend, could not express themselves. I, for one — it was impossible because I had other commitments.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I think that Mr. Kelleher has covered this subject very aptly. We have had plenty of time, we are late in the session. A majority of the delegation has agreed, and we did make some changes in the revenue. So I would hope that you would go along this morning and help us indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: In defense of Mr. Binnette's motion I would like to state that the Penobscot County delegation never really worked on their budget. A couple of times we had a meeting called a half hour before the time of the House going in session, the convening of the House. And we have never really given sufficient time to it.

There is a big increase in the budget, and to be sure, we did increase the estimated revenue justly, I think. But, nevertheless, that is not the full work that should be done on a county budget. I wish

to go on record as supporting Mr. Binnette's amendment.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I ask you in all sincerity this morning, let's get the county estimates out. We have some late thinkers and some late starters. I do not think they should hold up the other 15 counties. I hope you defeat this amendment and we can send this to the Senate forthwith and have it signed this week.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to concur with the gentleman that has just spoken on the Penobscot County budget. I am one of the senior members of the Penobscot County delegation, probably the senior member of the Penobscot County delegation. And I was never able to get together, even once, on one of these county meetings. Now, I confess that it may have been, in some areas, my fault. But I have to have more than a half an hour's notice or more than fifteen minutes notice, even if it is a real important engagement. My time is reasonably well subscribed to, I am on legal affairs, and I have some other affairs. I assume some of the responsibilities, some of the responsibilities I do assume for not being there, this I am willing to assume.

I do note that this budget is large, and it may be justifiable. This I haven't had the time to discuss or they never took the time to sell it to me, so to speak. I would like to be sold a bill of goods before I vote on it. Mr. Binnette I do know, I am well acquainted with Mr. Binnette, and he is another one of the older members of the Penobscot County delegation. He is well aware of figures, and he does a good job on budgets. I am quite certain of the man's ability. I am sure that he wouldn't cut the budget where it would hurt someone too badly. I am sure, even

with his cut so to speak, it sounds small to me when you look at the budget as a whole; \$50,000 is not much money when you look at the size of the increase of the budget.

So I am inclined to think that until I have been sold a bill of goods and explained to me better, that it is possible that Mr. Binnette is doing a good job. At least he has put more effort, let me tell you, than any member of the delegation. This I can assure you. There is no member of the Penobscot delegation that has put more time on the Penobscot County Budget than Mr. Binnette. Now, whether he is right or wrong or not I do not want to debate until I have had it more properly explained to me. But I will say this, that more than likely he is right because he has taken the time to work and study and put days and hours of work on this budget. Now, this I haven't done. I can tell you sincerely that no other member of the Penobscot County delegation has put any time on this budget, not one of them, including myself. So I think we may be doing the right thing to support his budget because he is the only one that has done any work on it and the only one that should know.

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

Mr. MURRAY: Mr. Speaker and Members of the House: I would like to make a couple of comments on this. I would like to concur with the gentleman from Bangor, Mr. Kelleher and Mr. Norris from Brewer.

The county has worked on the budget. I would agree with Mr. Dudley that probably not enough work has been done on the budget. I do not think it is fair to say no one except for Mr. Binnette in the county has looked into the budget.

I would also like to point out that the county — we had two meetings in Bangor and we have had probably three or four meetings here in Augusta. Granted, they might have been short, and granted, they might have come with little notice but the

fact of the matter is we did sit down and talk about this budget. The other point to remember is we did cut the proposed budget. We did it by increasing projected nontaxable revenues; in other words, projecting what the county would receive or what the county would receive from the courts and thus decreasing what the counties will tax the towns and cities by thus something close to \$100,000.

So I would point out that some cuts have been made and it will be the job of the commissioners to sit down and figure out where in the budget these will have to go, because we as the delegation did not suggest areas to cut. I think if we pass this amendment, that is just another \$100,000 that someone — the commissioners, namely — will have to come up with. I think it is sort of unreasonable on our part to do this without any other suggestions on where. So I hope that you will go along with Mr. Kelleher's motion and defeat this amendment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: For the members of the House and myself, I would like to have some of these learned people on this delegation of Penobscot tell the House and myself what the budget was last year and what it will be after Mr. Binnette's cut.

I still am of the opinion that it will still be quite a lot more than last year. I would like someone to give me that figure and also the House so we would be aware of what is going on.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, to indefinitely postpone House Amendment "C" (H-233). All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Binnette of Old Town requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the

expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, to indefinitely postpone House Amendment "C" (H-233) to L. D. 1733. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Bunker, Cameron, Churchill, Connolly, Cote, Curran, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Drigotas, Dunlevy, Dyar, Emery, D. F.; Evans, Farley, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Goodwin, H.; Greenlaw, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Hoffses, Huber, Hunter, Jackson, Jalbert, Kelleher, Kelley, R. P.; Kilroy, Knight, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, McHenry, McKernan, Merrill, Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Peterson, Ricker, Ross, Shute, Sproul, Susi, Talbot, Tanguay, Theriault, Tyndale, Walker, Webber, Wheeler, Wood, M. E.

NAY — Albert, Baker, Berry, P. P.; Binnette, Brown, Briggs, Brown, Bustin, Carey, Carrier, Carter, Chick, Chonko, Clark, Conley, Cottrell, Cressey, Deshaies, Dow, Dudley, Dunn, Farnham, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Immonen, Jacques, Kelley, Keyte, LaCharite, Lawry, Littlefield, Maddox, Martin, Maxwell, McMahon, McNally, Mills, Morin, L.; Morin, V.; Perkins, Pontbriand, Pratt, Rollins, Shaw, Simpson, L. E.; Smith, D. M.; Tierney, Trask, Trumbull, White, Whitzell, Willard.

ABSENT — Cooney, Crommett, Faucher, Hodgdon, McCormick, McTeague, Mulkern, Rolde, San-

toro, Sheltra, Silverman, Smith, S.; Soulas, Stillings.

Yes, 79; No, 55; Absent, 15.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-five having voted in the negative, with fifteen being absent, the motion does prevail.

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 will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and 14 in the negative, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 590)

WHEREAS, approximately 275 petitions containing approximately 45,000 signatures have been filed pursuant to Article IV, Section 18 of the Constitution of Maine Public Power Authority; and

WHEREAS, it has been alleged that State Government employees at taxpayers' expense assisted in the circulation of the petitions; and

WHEREAS, the Chairman of the Judiciary Committee has reported to the President of the Senate and Speaker of the House that a cursory review of some of the petitions reveals that there are a vast number of signatures with similar handwriting contained therein; and

WHEREAS, there are other alleged irregularities in the circulation, preparation and verification of said petitions; and

WHEREAS, the Legislature of Maine has a duty to determine if said petitions have been validly initiated; and

WHEREAS, the Legislature has a further continuing duty to insure that the initiative provisions of the Constitution have not been abused; and

WHEREAS, the Judiciary Committee, because of its inadequate staffing and because of its many other duties is incapable of filling its duty of investigating thoroughly the petitions; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee of the 106th Legislature on Judiciary is authorized to hire such counsel, investigators and clerical assistance as said committee deems necessary to investigate the validity and all circumstances surrounding the circulation of said petitions. In the conduct of this investigation the committee is hereby authorized to delegate to said staff the right to conduct deposition and issue subpoenas and do whatever else is reasonably necessary to make a complete and full report to the committee and to the Legislature in regard to said petitions; and be it further

ORDERED, that the Attorney General's office and all of the state departments, including but not limited to the Department of Public Safety, is hereby ordered to cooperate with the committee and perform whatever services are requested by the committee and its staff; and be it further

ORDERED, that there is hereby appropriated to said committee from the Legislative Account the sum of \$5,000 to fulfill the purposes of this Order.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mrs. WHEELER: Mr. Speaker and Ladies and Gentlemen of the House: I have been a member of this legislature for five terms, two of which, I served on the Judiciary Committee. In the past we have always worked together as a committee. No single person, chairman or anybody else, made decisions for the entire committee. Yet today, we have before us an order which supposedly represents the thinking of the Judiciary Committee. That simply is not true. Neither myself nor any other member of my party was consulted. As a matter of fact, to my knowledge, no member of the other party of the Judiciary Committee, except for the chairman, was part of this decision.

I would like to point out that only a few of the 13 members of

the committee expressed any reservations about the petitions. We have been given subpoena power and money to use for investigations and we have not used it. And I question why do we need greater power and more money.

I now move that this joint order be indefinitely postponed. When the vote is taken, I move it be taken by the yeas and nays.

The SPEAKER: The gentleman from Portland, Mrs. Wheeler, moves indefinite postponement of the joint order.

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a few questions of our chairman, Mrs. Baker, of Judiciary Committee. Was this order ever presented to us before Judiciary Committee to be voted upon?

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

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

Mr. GAUTHIER: Mr. Speaker and Ladies and Gentlemen of the House: I see that I did not get an answer to my question. I would like to state here and now that when this bill was discussed before Judiciary Committee, the majority of the committee voted that this bill be sent out to the people to vote upon as referendum. We looked at petitions, we spent two evenings looking these petitions over. We saw that there were a few discrepancies. But after the Central Maine Power Company had come in and xeroxed about half of them, half of the petitions that they xeroxed, they found I think it was 500 wrong signings of these petitions.

These had been verified by the towns clerks in every town of these petitions and also they were looked over and sent to our committee in good condition and in order by the Secretary of State's office. When we took the vote on it, the majority of the committee voted that this be sent out to the people

as a referendum because we felt that after only a few discrepancies of 500, that there were enough petitions, extra petitions that would take care of the rest of them, if they were as the first 500 that were xeroxed showed that they were, about 500 names. We had over, I think it was two or three thousand extra petitions on these and, in fact, this was done and also recommended by the attorney for the Central Maine Power Company, Mr. Marden, who represented them. He suggested that this be sent out to the people without being looked into the petitions.

The committee felt at the time it was brought up, that in the past you had a few discrepancies. Even when we put the big box out for a vote, petitions went out in all the supermarkets and small stores. They did the same thing that was done for this power bill. We felt and we recommend that in the future — this was the vote of the committee — that in the future, they name a committee — not name a committee but it was a suggestion that these weren't that bad but that as far as the ones that we had seen, they were in perfect order, there were few discrepancies, as I mentioned before.

The vote of the committee was to send those out to referendum, not to put an order out. We have never voted on this. I think this is back door doings and I am not in favor of it.

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

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: Just a few short words. I was one of those that has been mentioned that was opposed to putting these petitions out with approval without it being stated emphatically that we of the Judiciary Committee had not done our duty in examining them. We had checked some 25 or 30 petitions out of 250 and of those 25 or 30 petitions, there were numerous questions of similarity in signatures. In fact, on one there was five. I could almost swear to give my right arm away that

they were signed by the same person.

In addition to that, we had had several other irregularities mentioned to us. And regardless of our individual feelings as to the merits of the proposal itself, we on the committee had an obligation to determine whether or not we would say those were valid signatures or valid petitions. Frankly, I, in toying with my conscience I could not do that.

It was suggested that many petitions have come before this body in previous sessions which the questions such as I raised were not posed. I indicated that I was not here those previous sessions and therefore, perhaps had I been, I might not be here now because I would have posed those same questions.

I agree that the amount of time we have spent is not enough. There is a little bit of money to do further checking on it. However, the length of time that is involved in getting these petitions checked fairly accurately as we of this committee are obligated to do will require a length of time that only money and additional staff will help shorten in that period.

So again, I sincerely ask each and every one of you to check and examine your own conscience as to whether or not, regardless of how we individually feel about public power because we happen to believe in it or against it, that we do or do not want the Judiciary Committee to function as it is obligated by law to do.

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

Mr. GAUTHIER: Mr. Speaker, I would like to pose two questions to the gentleman, Mr. Perkins, who just spoke. When the vote was taken by the committee to send this out, wasn't it the vote of the Judiciary Committee unanimously, and I say 75 percent of the vote when taken, was it not to send it out to referendum? And number one, have we ever voted in committee on this order?

The SPEAKER: The gentleman from Sanford, Mr. Gauthier, poses a question through the Chair to

anyone who may answer if he or she wishes.

The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, in reply to the gentle lady from Portland, Mrs. Wheeler, and the gentleman from Sanford, Mr. Gauthier, I would like to say that this order did not come from the Judiciary Committee. This order came from the Senate where it was voted and approved. It bears no endorsement of the entire Judiciary Committee. Anyone can put in an order, any member of this House may put in an order. The Judiciary Committee did not put this order in.

In regard to the vote in the Judiciary Committee on the petitions, we voted unanimously to approve with reservations — with reservations — every member of the Judiciary Committee was polled and agreed to that vote. When that was recorded, it was found by the chairman of the committee that the legislature would not accept such a report with reservations, that it was our duty, if we had reservations, to follow through and do our work completely. And I think if any one of you were faced with this duty, where you have been sworn to do your duty as you see it, according to your conscience, then you would do exactly as we have done.

We have not okayed 100 percent the petitions. Nevertheless, the legislature has been assured that this matter will go to referendum and I repeat it here. We intend that it shall go to referendum, but we are asking for these funds to further study the petitions.

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

Mr. FARLEY: Mr. Speaker, I would like to pose a question to Mrs. Baker, also. This order calls for subpoena power. What committee except Judiciary, if this order didn't come out of Judiciary, has subpoena power?

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: First I will answer the question of Mr. Farley in this way: This is one of the objections that I have on the order. I don't believe that anybody should be subpoenaed. If they are, the way things are today, they can have them up there and if they don't want to or they don't wish to, and they probably won't, they will not tell the truth, so I think it is just a surge in futility to bring them up there in the first place.

I wish to say this morning as a member of the Judiciary Committee that I am not out here to cast anything on any members of the committee. I think every member of the committee did his job, regardless of whatever party, regardless of his standing in the committee, and regardless of where the order comes from, it is here today.

I think the issue today is the order that faces us. I think it is an unnecessary order. I think it is a ridiculous one. I think it is a phony one and I don't think it should be here at all. It just causes dissension among the parties, among the members of different parties. It casts a shadow of doubt upon the ability of the Judiciary Committee that indeed and in fact tries to do a good job.

As far as the values of the petitions and all that stuff and the numbers that might have been questioned and all that, I wish to say again to you members of the House that all the members of the Judiciary Committee unanimously supported it to let the petitions go to referendum on condition. The first condition was, I believe, that an opinion was to be drawn up and presented and be studied by the members of the committee before it ever came to the House as to an opinion that there might have been inequities, there might be a few undigestable signatures or something like that, and this we all agreed to. We have never seen such an opinion out here and apparently we won't at this stage and this particular thing is here.

Another thing which was also digested in committee, in order that we don't get involved in this kind of thing again without some very strict and definite guidelines, I suggested to them that we would also come out, if they didn't then I would come out with some kind of order or resolution sending the question of initiated referendum and the procedures to check after the vote of what we are going to accept and whether it is the Judiciary Committee that does it or any other committee, to have some guidelines to go by. I think this is what we miss, not only the Judiciary Committee misses, but everybody is out if you don't have guidelines to work by. I think under the circumstances, the best was done and I think that actually this order probably is a personal order more than anything else. And if it is a personal order, well I think whoever puts it in has the right to do so, but I think we also have the right to act on it.

Now I will say this, that the Judiciary Committee probably by law — and I would like to see that particular law that was mentioned that we are to do certain things. Whatever it is, if the law is there — and I don't doubt that there is some kind of guidelines or something — that it is not clear, and it should be clear either for our benefit or for the benefit of any other committee.

In good conscience — apparently conscience is the thing today — in good conscience I voted to send the petitions to the people. I voted the same thing on the ones on the income tax. I voted the same thing on the one on the big box. Now I am not going to question when they come up with this kind of petition whether we are going to check thirty or forty thousand petitions. I think that it is very clear that such a number of petitions, if somebody wants to check it when they can do it on their own or they can do it through some other procedure of the legislature.

I totally support the motion for the indefinite postponement of this order, not on the cost but on the

principle upon which it was presented.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning probably for other reasons and with other reservations on this. I am against public power more than any other man in this House. I think it is as phony a thing as has ever been before the House, actually public power. I also think this order is as phony as anything you could have. Five thousand dollars of the taxpayers' money I think is utterly ridiculous. What is accomplished by it? Nothing. And it is obvious that even the Judiciary Committee is dissatisfied with it.

We are not going to get out of here tomorrow. Someone said time. Don't worry about time. We are going to be here until July. I have been here 20 years and I am telling you. I don't care what the leadership tells you; I am telling you you are going to be here until the first of July. I am going to be nearer right than they are, so you have got plenty of time. You don't have to hurry. You have got plenty of time to look over these things.

Five thousand dollars is involved here. This is what bugs me. Five thousand dollars to me is a lot of taxpayers' money to throw away. I can think of a lot of things that \$5,000 can be better spent for.

I am against all these surveys. All these books they pile on your desks from researching, studies and so forth, what ever becomes of them? Nothing. Nothing will become of this, just something to talk about. But \$5,000 will be lost. And we are taking \$5,000 from the people. I don't care how you take it, if you go in the front door, the back door or the side door, you are still picking their pockets. And I am against picking the public's pockets. Even when it is necessary I regret we have to pick their pockets. And this isn't necessary. This is absolutely ridiculous — \$5,000 to throw away.

I stand here to make it clear now that I have confidence in the people of the State of Maine. They won't vote for public power; they are intelligent people. They can see around them what government is doing in business. They only have to look at the Highway Department, the Welfare Department or any other department in state government, the Postal Department or any other department. They can see what is going on around them. The public can't run anything and the public knows it. They commence to think we can't even run the legislature, and bills like this convinces them that we can't. We can't do our job.

This Judiciary Committee is charged with looking after these signatures, and in my opinion, they have got until about the first of July to do it. This is plenty of time to check these signatures. They have an attorney on that committee, a clerk on the committee. I am certain the Chairman of this committee could do this on his own. But of course he doesn't have the time. But there are many other members on the committee.

So I am one of those people in this House this morning that is 100 percent against public power and I am quite sure the people I represent, when they know the facts and how phony it is, they will be against it too. I am not afraid of them voting because I have got great confidence in the people of the State of Maine. They are intelligent today and they are getting more intelligent every day, enough so that people like this House is not going to fool them anymore, spending their money, \$5,000 a lick. They are getting wise to you people throwing their money away.

I am going to be on record as not being for throwing \$5,000 away and I am not going to be for public power either. And I am not going to be for any of these other bills that come in here to throw \$5,000 away or \$5 away. So I hope you will consider the taxpayer and whose pocket you are picking. They are some of the people that you represent. They are some of the

kind people who voted for you when you came down here that had confidence in you, that thought you had intelligence enough not to vote for such legislation as this. They thought you were intelligent or they wouldn't have sent you here. In the course of events, they wouldn't expect you to spend \$5,000 for a wild goose chase.

Mr. Gauthier of Sanford was granted permission to speak a third time.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I agree that the question today here is not public or private power, it is what happened on the Judiciary Committee, what has happened on these signatures when the clerks in every town checked these with the nomination papers and the voting lists that they have. They were verified by these town clerks. They were verified, they were checked over by the Secretary of State downstairs and they were verified by them that they were in order.

I agree that there were some discrepancies and members on our committee who were here a few years ago mentioned the fact that other bills that came in had a few discrepancies as far as signatures were concerned. And the committee never mentioned sending out an order of this kind. What the committee mentioned was, and the chairman himself mentioned, that what we should do is to ask for guidelines in the future on all other bills or other petitions that would come in before the legislature.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It isn't very often on the 18th of April that you see snow flying around. But this order, as far as I am concerned, is a blizzard. It is a real snow job. Like my good friend from Enfield, there is nobody in the House probably more than he and I that hate public power. But I don't like this order either.

We hired a lot of staff here a few weeks ago. We have got Mr. Doyle downstairs and he has got

some very capable people. We have even got the Attorney General's office, and they have got some very capable people down there. Now if the Judiciary Committee has got any hangups on these petitions, and probably rightfully so they have, let the committee do it. Let them take some of these bright lights that we have downstairs in the Attorney General's office — they are very intelligent people — and let them work with the committee. We don't have to waste \$5,000 on this, and that is all it is a waste. I think what Mr. Dudley says is right. We have these continual studies and who reads them? Who even pays attention to them? I guess Miss Edith Hary down in the Law Library, she has got two or three rooms full of reports that we have approved over the many years, long before I ever came here. No one needs this and they don't need this \$5,000.

I looked around this morning and looked for people that are on the Judiciary Committee, Mrs. Baker, Mrs. Wheeler and our esteemed brothers of the law; they are very intelligent, they can do this. They certainly don't need this order this morning. It is a waste of money; it is a waste of our time here. I think Mr. Dudley is correct. We are going to be here until July. And the way we are going, we probably will be here until August.

Someone mentioned to me yesterday, wanted to wish me a Merry Christmas, because they thought after yesterday's debate we would probably be here until Christmas. But I am sure we are not going to be out of here before the first of July. The committee has got plenty of time. I don't believe they are that overworked. I know they have got a lot of bills there, but they seem to handle them quite correctly. They pass them out very quickly. I am disturbed that this order came in.

I know that Mrs. Baker stated that anybody has got a right to send an order to the legislature and they certainly do. But I don't know, somebody told me that it originated in the other body and the chairman of their committee

originated it. I am surprised really to hear the remarks this morning from various members of the Judiciary Committee that they weren't consulted in this. The newspapers report that it came from leadership. Now, I don't believe it came from leadership. It seems to me if any order is typed like this and it was pertaining to a bill before a committee I was on, I would want it to come from my committee, not from any individuals that want to be stars or raise these questions. I think that the legislature is a group. We go with the committee system that they should work themselves and not necessarily take an order like this.

This is a waste of money. I hope that you support Mrs. Wheeler's motion to indefinitely postpone it.

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

Mr. DAM: Mr. Speaker and Members of the House: I too, like my other two Democratic friends, Mr. Dudley and Mr. Kelleher, want to go on record as being against public power. The people back in my community know quite well how I feel on this. I do not favor public power, but I do not favor this order either, because if we are so concerned in this one issue about whether the signatures are valid or not, why weren't we concerned when the referendum came in, initiated bill for the repeal of the income tax or for getting rid of the big box.

All of a sudden here I read this order and it says, "Whereas the Legislature of Maine has a duty to determine if said petitions have been validly initiated; and

"Whereas the Legislature has a further continuing duty to insure that initiative provisions of the Constitution have not been abused."

Well if this is the case, why is it we have become so concerned, some people have become so concerned because this has got the public power attached to it and they weren't concerned the last two times? Has this become a party issue? Is it one side against the other? Well, I don't think that this order is going to help to defeat

public power. This may just say to the people of the State of Maine that we do need it because there is funny doings going on by everyone.

I would hope today that we could defeat this order, and I am sure that even the people here that are against public power have nothing to fear because the people in this state will not vote for it when they learn the true facts. But this is not giving them the true facts when we bring something like this in. This is a lot of hogwash; that is all it is. And all we are doing is clouding the issue and letting the people of the State of Maine think that something funny is going on when I do not really think that anything funny is going on in this legislature or in the state.

I think today the greatest thing we can show the people in the State of Maine is that we want them to have a chance to vote, that we do trust their intelligence and we are not going to throw \$5,000 down a rat hole and we should defeat this order.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: I support what Mr. Kelleher and Mr. Dudley have said before. I have a letter here from one of my constituents. The letter was addressed to me and it was sent to the Honorable Wakine G. Tanous, Senator, Maine Legislature, State House, Augusta, Maine, dated April 16, 1973.

"Dear Senator Tanous: As one follows the news of what is happening in the 106th session of legislature, it is rather difficult to comprehend the actions and motives of our esteemed lawmakers.

"The case to which I am referring is the way in which your Judiciary Committee is mauling the petitions for a referendum on the issue of public power.

"Doesn't it appear that the most influential Republican members of the legislature are taking a stand that would defeat a referendum on

the issue of public electrical power?

"Do not the voters when they go to the polls, vote for whomever they sincerely believe will legislate for the best interest of the majority of the people?

"Do you ever think of how the voters and consumers will feel and react when it strongly appears that the legislators are most concerned with the wishes and benefits of the huge power companies?

"What about the consumers of electricity who it is apparent will be forced to pay higher and higher rates for electrical energy that they all must use?

"I have been a registered Republican for many years, but lately like many other Republican voters, I am seriously thinking of switching my support to the Democratic party — that would take only a few minutes.

"What does it avail the average voter who helps to elect a senator or representative who is going to legislate on behalf of the rich minority?

"It would seem that it's time to stop dillydallying and move along with legislation for the benefit of the great majority of the people. Yours truly, James W. Grenier, 390 Main St., Van Buren, Maine"

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Needless to say, when we talk about leadership having something to do with this order, that I nor any other member of my party in leadership were consulted, and for that matter, I hear rumors to the effect that some other members were not consulted either.

We have before us, it seems to me, an order which is stronger than what the Congress of the United States would pass. It seems to be an order which perhaps the Congress of the United States would love to have right now.

I want you to take a look and keep in mind a couple of things. One out of every ten persons who voted for Governor signed this petition. I don't think it is

important whether or not we happen to be for or against public power today. This issue is whether or not we believe the people ought to have a right to vote.

I have attended all three hearings held by the Judiciary Committee on initiated legislation: the income tax, the big box and public power. I would just like for a moment to relate to you the experiences I had before that committee dealing with the big box. There were a number of people present at the hearing on the initiated petition dealing with the big box who said they had proof. Nothing was done. Then we got to this particular petition and I was present at the hearing when Robert Marden, being the only opponent speaking in behalf of Central Maine Power, indicated that there might be discrepancies.

The Judiciary Committee was given \$800 and the right to subpoena witnesses by this legislature not long ago. Just take a look at the order and you will find that this time it isn't enough that the Judiciary Committee is going to have subpoena power, but the staff members will have subpoena power. Where in your born life have you heard that someone is going to delegate the power to subpoena to a staff person that isn't even yet hired, that we don't know exists, that we don't know who it is going to be? I trust people. But sometimes I don't trust the actions of some individuals.

Read that very carefully after the word "Ordered" on page one of your House Calendar and note it carefully. I understand that a majority and vast majority of the members of the committee indicated that they were satisfied with the petitions. Probably I agree. But keep in mind what has transpired on the two previous petitions. The chairman of the committee indicated that there are sufficient signatures.

What are we afraid of? Why should we or should we not take a look at these petitions? The thing that bothers me the most is the possibility that we are dragging out individuals to oppose this thing, that we intimidate people who in

their best interest thought they were signing a petition which they thought they wanted to be voting on if the legislature didn't pass it; much the same way, I suppose, even though reluctantly I was against it at the time, the big box petition turned out to be.

The creation of this investigation is, as far as I am concerned, a creation of one member of one committee after pressure had been brought to bear upon him. Let's not fool ourselves. If what we want to do is discredit the members who signed the petition or the members who circulated it or the individuals who started it, let's admit it and let's go to it. But in that process, let's not intimidate citizens of this state. Whether right or wrong, they want to have a voice and they want to vote and we ought to give it to them.

We have been told, but no one has given it to me in black and white, that regardless of what happens, assuming that all of the signatures are fraudulent, that the Republican Leadership is going to agree to send it out to the people anyway. Does that make any sense? You see it and then you don't. Is that the way we are going to tell people that we believe in them? We don't believe your signatures were valid? The reasons why you said they were there was wrong? But that is all right. We will put it out on a little bill that we have got hanging around and then you can vote on it.

I don't think that any issue, whether it is this one or any other, is worth the price of threatening people, whether it is according to rumors last night, bills being threatened if sponsors didn't vote for passage of this thing. I don't believe that fear ought to enter into our decision. The problems, as far as I am concerned, of this state are too huge for us to get ourselves involved in something like this.

My only concern is that in the final analysis the people of this state will have a voice and that we do not intimidate them in the process to a point where they say, is that what our government in Augusta is doing to us? Because

whenever and if ever we do that, we will have done something which we will never forget.

I repeat again, take a look at that order. You are hiring staff, if this order goes through, that will have subpoena power. Some unknown faceless individual who hasn't yet been hired will call someone up on the phone and say, you will be here at 10 o'clock because I represent the chairman or the Judiciary Committee. And they will have to appear. They will have to face this individual. Does that make any sense? If you agree with me, I would hope that you would vote for indefinite postponement of this order.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: I seldom speak until I get angry. And unfortunately, I heard something mentioned by the very first speaker that disturbs me and the longer I sit in my chair, the angrier I get. I hope what I heard I heard wrong. I believe the gentleman said that the Central Maine Power Company was allowed to take these reports and make xerox copies of them for their own personal use. Now, thinking back to previous petitions that were presented to the Secretary of State's office and first presented to this Judiciary Committee, these petitions normally, at least procedure-wise in days gone past, have been impounded by the Secretary of State, placed under lock and key, and even those people appearing before that committee who were there to testify that their names were fraudulently placed on those petitions were not allowed to take or to examine or to cross their names out.

Now, I hope I am wrong but will someone please correct me. Was the Central Maine Power Company allowed to present themselves before this committee with authorization from who I do not know and xerox these petitions for their own personal use?

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

Mr. DUNLEAVY: Mr. Speaker and Ladies and Gentlemen of the House: In response to the gentleman from Portland's question, as I understand it, as I recall the testimony at the hearing from the representative for the Central Maine Power Company, he testified that they had, in fact, xeroxed a great number of the petitions prior to the hearing thereon. No authority was given to anybody by the Judiciary Committee or any of its members to xerox any of these petitions. However, the representative from Central Maine Power did have an opportunity by xeroxing prior to the matter coming before the committee to investigate the validity of a great many signatures.

I am sure he strove manfully to find a sufficient number of signatures on these petitions to declare this petition drive invalid. However, he did not ask that it be declared invalid, nor did he claim to have found enough signatures to declare the petition drive invalid. As a matter of fact, he rather halfheartedly attacked a few hundred signatures but didn't even insist that the petitions did not contain a sufficient number of signatures; and as a matter of fact he indicated that it was the company's position that this matter should go to the people.

It seems very strange to me, when the vast majority of the members of the Judiciary Committee feel that this should go to the people, when the representatives from Central Maine Power Company feel this should go to the people, that we have to appropriate \$5,000 of the taxpayers money to harass the people. I do not only feel that this is a waste of money, I feel that this is going to cause a dampening effect and a chilling effect on the whole referendum process. If we start spending the taxpayers' money in order to investigate signatures, we are going to kill the whole idea of initiated referendums. It is hard enough and expensive enough to

get those signatures necessary to pass any kind of a referendum drive. It is definitely going to make it impossible if we pass an order such as this and further harass the people by sending investigators to their home.

I have the legislative record right here of the two previous initiated petition drives. The one dated March 31, 1971 on the income tax was reported out of committee. The petitions and signatures contained therein are valid and sufficient in number and that was signed by a majority of the committee members. Three of the committee members signed the minority report stating that they did not have sufficient knowledge and information upon which to form a belief with respect to the validity of the signatures. That passed out of committee.

On April 29, 1971, it was reported that the legislative referendum on the big box, that report was signed in a majority and a minority fashion. The majority report read that a sufficient number of signatures are valid and the minority report read that they did not have sufficient information.

Now, it just seems to me that we should be doing the very same thing here. This particular order, while I agree that every member of the legislature has the right to introduce an order, it seems to me terribly inappropriate in view of the fact that the great majority of the Judiciary Committee wanted to pass this out to the people.

With respect to picking the public's pocket, as Mr. Dudley said, we are doing more than that. We are picking the public's mind. We are harassing them and we are doing it with their own money. We are not only doing it by delaying the Judiciary Committee, which is a very busy committee and has many many bills to go, but we are doing it by sending investigators into the homes of people who signed these petitions to check into the circumstances of their signature.

I do not believe that this order will defeat public power. I do believe that this order, if we pass it, may very well defeat participation by the citizens of the State

of Maine in the initiative referendum process.

Furthermore, as a member of the Judiciary Committee, I am terribly upset that people are blaming the committee for this action. The committee is not responsible. The committee did not know that this order was going to be introduced. The committee took no part in the press conference of the chairman of the Judiciary Committee and, in fact, were not even aware that this conference was scheduled.

As a member of Judiciary and because I want to disown any association with this order, which I regard as an attempt to deprive our citizens of this state from a right to decide on a matter of vital concern to them, I hope that you vote along with the gentle lady from Portland, Mrs. Wheeler, to indefinitely postpone this matter.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Initiated referendums, I believe, are one of the guarantees we are given in the Constitution of the State of Maine. And it is nothing that should be taken lightly. This morning we have heard many people stand before you and tell you that all this order would do is put a chilling or dampening effect on the people in the State of Maine who would like to initiate referendums, because we would be intimidating citizens. Well, I say that that is a lot of bunk. I believe that we are here for the purpose of making sure that the initiated referendum procedure is done and that it is done properly.

You know, we are talking about 45,000 signatures on a petition. I believe that we have approximately 955,000 people in this state that work on those petitions and that we have the right to protect their position as well as anything else. All we are asking for in this order is \$5,000 to allow the Judiciary Committee to have staff that can go out and investigate and seek out the alleged irregularities in the petitions that are before us. I believe that is only right, that we give that committee that type of

help in staffing. I believe that it is also perfectly proper that I stand here and tell you I will fight tooth and nail to make sure that the people in this state get the chance to go to referendum.

You were told just a few minutes ago that the company's position before the committee was that it go to the people and that it go to the people through referendum and that is exactly where I would like to see it go. It is a perennial question that comes in here every session of this legislature. It is about time that it did go to the people and maybe they will decide once and forever and we won't have this issue every time this legislature meets. But before it goes to the people, I want to make sure too that the sanctity of the initiated petition as guaranteed by the Constitution is preserved and protected and that we do it and do it in a proper manner.

Ladies and gentlemen, I ask you not to indefinitely postpone the order but we give it our full support.

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

Mr. BINNETTE: Mr. Speaker Ladies and Gentlemen of the House: Unlike my friend from Portland, I am not an angry man. I am a peace loving man. But I like to have justice done, too. I really believe, as the majority leader just stated, that the people should have a right to petition. They should have a right to protection.

Now, when the big box question came up, we on the committee were not even allowed to look at the petition. That was taboo. They did not worry about it, how they were obtained. Many of those names were obtained fraudulently in my estimation. I do know that for a fact. But they have changed it over and I am happy that they did change that over and remove the big box because I think that if the big box was on there, there would be many many legislators absent from here today.

I have been called a conservative. I do not think that I am quite as conservative as my friend from Enfield, Mr. Dudley. But nevertheless, I believe that we should save some money wherever it is possible and I do not think that we need to spend this \$5,000 because I really believe that it is nothing else but a witch hunt from somebody's own estimation. They want to go out and irritate people and stir them up.

If you read that order on page 2, it is a rather peculiar thing to read, that we, the legislature, are going to order the Attorney General's office and all its departments including but not limited to the Department of Public Safety, is ordered to cooperate with the committee and perform whatever services are requested by the committee and its staff. Now, how long since have we had to order the Attorney General to do anything for us. His office is always open and ready for any questions that you go ask him. I do not see why you have to have an order of that type anyway. To me that order is just nothing but a piece of bunk.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Like the minority floor leader, I also attended the hearing on this particular bill. I sat through the whole proceeding that afternoon. The remarks that have been stringing along here this morning remind me of an old line, I think from Shakespeare, "The lady doth protest too much methinks." Why all this problem just to make an examination of a constitutional provision.

The issue here is not whether the people are going to be allowed to vote on public power. The issue here this morning is only whether or not the integrity of the petition process is to be upheld. It is your sworn duty to carry out the constitution of this state and the procedures for petitioning are very carefully spelled out.

The representative from Enfield, Mr. Dudley, pointed out that

we are going to be here a long time and we have plenty of time to look into this. So he must believe that it is necessary to look into it. But he feels as though we should not employ some help for the Judiciary Committee to do this. I submit that this is only good economy, to raise a small amount of money to get some experts going to work on this problem.

Remember, the issue is only one, whether or not we protect the integrity of the petition, the method starting an initiated referendum. I urge you to vote against the motion to indefinitely postpone.

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

Mrs. GOODWIN: Mr. Speaker, and Ladies and Gentlemen of the House: I know I have disappointed some members of this body because people keep asking me when I am going to get angry and start stamping my feet again. Well, this morning I am angry. About three weeks ago I received my \$25 plus electric bill with some delightful little fairy tales enclosed telling me how low my electric rates were. I was very tempted to take them upstairs and put them with my son's Mother Goose book.

You know, it is just this kind of propaganda that is making our electrical bills so high, and the consumers are paying. Today we are going to ask the taxpayers to pay. We are going to ask them to finance the gubernatorial aspirations of a certain segment of the Republican Party. This seems to be very strange behavior, because the majority of this party was not at all excited about the one dollar checkoff on income tax returns for political campaigns. Now they want \$5,000 for a political campaign.

They say they are willing to amend the power authority bill. They are willing to amend it, they will probably never enact it. If they enact it, it will be emasculated and after ERA probably effeminated beyond all recognition, because they know that when this goes out to the people, it will pass

overwhelmingly and they are scared to death.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This morning I have done a bit of reading of the debate in the other body yesterday. It always annoys me when some member of the opposite party states openly or insinuates that Republicans are beholdened to the private power companies such as Central Maine Power, Bangor Hydro Electric, or Maine Public Service.

I have been in this legislature for 18 years and I know of no favors granted to any person by these companies. When I hear such statements, I would like them backed up with proof more than just Xeroxing some petitions.

I certainly will admit that over the years many of us have opposed public power schemes on their lack of merit alone. This was not done because of any feeling of obligation to any public utility. It is our sincere belief that these intriguing proposals are not practical. Most of them have really been promoted by high pressure New York bankers, lawyers and engineers. They consider Maine people a bunch of hicks, and have often sold some sincere, honest, conscientious Maine citizens and committees on this impractical, promotional idea under the popular guise that our people will get their individual power cheaper. If this supposition were in fact the truth, we would all be for this. If such a plant were ever to be built, the only thing in its favor would be its tax exempt status. And in the long run, someone would have to pay for this. If we were to abate right now all of the city and state taxes from our present utilities, they could immediately reduce consumer rates. However, this would just shift the burden to other taxpayers of our cities and states.

Certainly, it has long been proven that government-run operations are not as efficient as private industry. If this were not so, our state budget would not have increased per biennium from \$75

million in 1955 to \$405 million last year. This action today is not the type of thing that is very pleasant. We may well be called poor sports. However, this is not so. It is the intent of all of our people before they vote on something they will never fully understand and we must prove that this vote was initiated properly and I oppose the motion to indefinitely postpone.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I heard the gentleman from Standish use an argument which I really enjoyed. It is the argument that after all, 950,000 some odd citizens of Maine have not signed the petition. I guess he is right, but I am sure that he would not want to imply that 3,122 citizens of Standish signed his petition when he had to announce for the legislature by April 1 since the law only says that he needs between 25 and 30. It is kind of interesting to hear that argument.

I agree, there is no question about that. You simply cannot get thousands of people to sign everything and including, of course, one-year olds and everything thereabouts. And I am sure the gentleman from Standish was not implying that 3,122 citizens of Standish had signed his petition when he became a candidate for state legislature.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: It kind of amused me to hear my good friend, the representative from Bath, Mr. Ross, get up and talk about what the people had to say about the Republican Party and their special interests, because I can go back in the 104th when we were talking about income tax and one of the good members of that party rose on the floor of this House and made the statement, if I recall it somewhat correctly, was that this tax which is being advocated taxes the very contributors to our party. We cannot have such a tax and that

was made by the good representative, and I think at that time she was from York, Marion Fuller Brown.

It also amuses me when he speaks about special interests, that he would like to have this proved or proven. I can think back to about a week ago, in the KJ when the Republican Party, the members of the leadership held a meeting, and out of that meeting came the recommendation that it might do the Republican Party well to cultivate the ethnic groups and the blue-collar workers and get away from the vested interests. I am sure that Mr. Ross reads the KJ and I am sure that if he looked back, he could read that article also.

It also amuses me, today my good friend from Standish, Mr. Simpson, stands up and talks about the sanctity of petitions. Where was Mr. Simpson and his sanctity when we were talking about eliminating the big box? Is it because of a shift and becoming and joining the leadership that he has become sanctimonious. When he sat beside me, maybe he did not have the sanctity. Maybe because I was a Democrat, I rubbed off some ill influence on him.

It amuses me, too, when Mr. Morton from Farmington can stand up and talk about integrity of petitions. Yet, he is the member of the party that initiated and paid for the petitions to eliminate the big box. And when the talk was floating around this floor about the ten cents per signature that Robert Monks had paid to get that petition out, there was nothing said then about sanctity or integrity or protecting the rights of the people; because at that time, as again, we stand in the minority party and we have no control. The only thing we can do here is stand here and register our protest so that it can go into the record. I feel that we will be defeated today, I feel this order will pass because the vested interests have more power than the Democratic Party which works for the people of the State of Maine and not for the big interests.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat disturbed at the debate that has been going on here this morning; because by the implication of two of the speakers, they have implied that the Secretary of State, Joseph Edgar, a sworn official of the state does not do his job properly. They are also implying that the registrars of voters in the various cities, municipalities across this state that certified to the signatures on this petition, sworn officials are not doing their part. Well, now, if we are going to proceed along that line by passing such an order as we have before us this morning, I think this state is heading into very deep, serious trouble. It will only be by passing such an order. I will support the indefinite postponement of this order.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: When I first came into this building early this morning, some of the Republican leadership told me, "Long before the day is over, you of the Democratic Party are going to have egg on your face." Well, I will tell you, I told him, I said, "The Democrats and myself in the State of Maine would gladly wear egg on our face for a couple of days if it would take the attention off the Republican Party on the national level." I hope we support the motion to indefinitely postpone this order.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Maine Public buys about seventy five percent of their power from Canada. Do we receive any of the tax money from Canada?

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

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: Just briefly, I would like

to answer the gentleman, Mr. Mills. The town clerks in their various communities did do their job, carried out their responsibility, which was to certify that the names appearing on the petitions were registered voters in the communities.

The Secretary of State carried out his responsibility which was to certify that the petitions were properly brought in from and verified by the town clerks. There was no attempt by either one of these groups to verify the accuracy of the signatures themselves or the validity of the signatures themselves. Once the Secretary of State has certified these petitions are in order, as far as the town clerks are concerned, they are then public property. This was very carefully brought out on the committee hearing. So any allegation of wrongdoing as to the use of these petitions at any time is not correct.

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 gentlewoman from Portland, Mrs. Wheeler, to indefinitely postpone Joint Order, Senate Paper 590. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Connelly, Cote, Cottrell, Curran, Dam, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Farley, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Mur-

ray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

NAY—Ault, Baker Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Chick, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Emery, D. F.; Farnham, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Herick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Soulas, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E., The Speaker.

ABSENT — Churchill, Cooney, Crommett, Dyar, Evans, Faucher, Hodgdon, McCormick, Mulkern, Rolde, Santoro, Sheltra, Silverman, Smith, S.; Sproul, Strout.

Yes, 64; No, 70; Absent, 16.

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

Mr. McTeague of Brunswick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-241) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I guess it would be useless to say that I am speaking as a representative from Brunswick and not as a representative of the Democratic Party. But I am going to attempt to speak to members of the majority party and to the majority on the vote we just held.

I ask you to take a look at the order which is printed on the first page of today's House Calendar. If you will see beginning in line 5 of the order, there is one sentence which this amendment would delete. That sentence has to do with subpoena power of the committee staff.

As you recall, this legislature, I think properly so, has been rather jealous in regard to its grant of subpoena power. Our Joint Standing Committee composed of ourselves and members of the other body do not ordinarily have that power unless a special grant is made to them; for example, in a case like this.

I would not disagree with the idea of giving subpoena power to the Judiciary Committee to be exercised by a majority of that committee, which, in fact of course, is the majority party. But I do disagree, and I am very fearful regarding the precedent that would be set, if we give subpoena power not to the Judiciary Committee or a majority of it or even its chairman but to the unnamed staff. And notice the language that we seek to strike in the order: "The committee is hereby authorized to delegate to the staff the right to conduct depositions and to issue subpoenas."

I think what that envisions is that the staff to be hired by this committee with the \$5,000 would have the right to interrogate a person and that a person would be bound to answer whatever questions would be put to him by this staff member — I am not talking about the Judiciary Committee but this unnamed staff member — out in the particular towns and plantations. I think that is terribly dangerous and here is why:

Ordinarily when we give the power to conduct depositions and issue subpoenas, the deposition is going to be held or the subpoena is going to be issued in a courtroom or before a legislative committee where there is someone, either a judge or the chairman and members of that committee, who is an elected or an appointed and responsible public official there to supervise the questioning and make sure that it is fair and honest and done according to the way we try to do things in the State of Maine. Giving the staff the power to issue subpoena — it doesn't say to subpoena them in before the committee by the way, I would have no objection at all to that. I think it might be use-

ful — but it talks about giving the staff the power to issue the subpoena. So the member of the staff can subpoena you to appear at a particular hotel or motel, wherever he is setting up his investigation for that particular day in a particular part of the state.

We would be giving, by this order; if it is not amended as suggested in House Amendment "A", to the staff the right to do things we don't ordinarily give to ourselves in the legislative committee. That is an extremely dangerous situation. That could lead, if the member of the staff who has the subpoena power becomes overzealous or perhaps is less than completely concerned for the constitutional right of the citizens of Maine, it could give him the right to run something that could be a very small modern day version of the Spanish Inquisition.

You know, usually when we have a man subpoenaed in, he testifies in open court or before an open committee hearing. He testifies with a presiding officer, either a judge or the chairman of that committee present. This would allow and require, if these subpoenas were issued, testimony not before a court or before a legislative committee out in the open in the public but rather would allow these individual citizens of Maine to be subpoenaed in to some motel room before some hired hand. I don't think that is a precedent that any party or any person should follow in the State of Maine.

So the votes are obviously here to pass the order. If it is to be passed and there is to be an investigation, let us try to make certain that it be a fair and open and public investigation, not run in some motel room by some unnamed committee staff member but run either in our courts or in the legislative halls where the public can see what is going on and where no citizen may be abused in the form of some secret interrogation. If you vote for the amendment, there will still be the power of subpoena but that power will be where it belongs, in the hands of the committee; or if there turns out to be any criminal violation,

in the hands of the court. We should run our public business in the open, in the public and we should keep control of it by elected or appointed officials, not by unnamed staff members.

For that reason, I ask the members of the majority party, the 70 people who voted for the passage of this order, if you are going to have an investigation, you have got the power, that is fine. I ask each of you to do it in a fair way and not to allow secret interrogation.

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

MR. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I always enjoy listening to the gentleman from Brunswick. I can see why he is a very effective lawyer. But in this particular instance I think he is talking to 70 people in the majority party who are not going to be fooled by the amendment which he proposes that would really take the full teeth and interior right out of this order; because without subpoena powers, we might just as well not have the order.

I somewhat resent the fact that we would be led to believe that this legislature would hire an individual who would be a very competent lawyer, assign him to a very competent committee headed by a very competent chairman who would go out and abuse the subpoena powers that this body would give them by doing some of the things that the gentleman from Brunswick would suggest. I don't believe that any man here, whether it be he or whether it be me, would ever allow the committee to do such a thing or allow this to take place. I think we have to have trust and faith and confidence in our staff, also in our committee and I think that is just exactly why we want to indefinitely postpone this particular amendment and I would so move, Mr. Speaker, and I would ask that it be taken by the yeas and nays.

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

MR. McTEAGUE: Mr. Speaker and Members of the House: I appreciate the kindness of the

gentleman from Standish, Mr. Simpson but I am afraid it is misplaced and he is too kind; because if I were as able as he stated, I would be more lucid and he would understand better what I am talking about.

I do not object to subpoena power residing in a majority of the committee which is the standard way things are run in this legislature and in the United States Congress and legislatures throughout the land. I do object to reposing that power, regardless of the ability of the lawyers or whomever it may be because that unnamed lawyer — and I am not aware of his name and I assume no one else is, officially yet anyway — is not an elected official like we are nor is he an appointed official like a judge who has standards and who has to satisfy the Governor and Council regarding his appointment and reappointment. This amendment would not take away subpoena power from the committee but it would take away subpoena power from this unnamed lawyer.

I don't think it removes the guts of the order. The only thing it does is make sure that the investigation is carried out in a fair way. The reason that we have laws is because we know that sometimes any of us and any human being can become too zealous and overly zealous and perhaps unfair in trying to carry things out. Give the subpoena power to the committee to be used in the open but don't give the subpoena power to an unnamed staff member to use in private.

If there were abuses, perhaps the Judiciary Committee would correct those abuses. But how are you going to correct the damage done to Maine citizens after the fact. The better way, the more prudent way and I think the fair way is not to put in the hands of an unnamed, unelected official the power that could be abused but keep the subpoena power in the committee.

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

MR. BIRT: Mr. Speaker and Ladies and Gentlemen of the

House: In reviewing this amendment and also going over the order, as I understand the amendment, it says, "strike out the last sentence in the eighth paragraph" and as far as I can determine, that sentence says, "In the conduct of this investigation, the committee is hereby authorized to delegate to such staff the right to conduct depositions and issue subpoenas and do whatever else is necessary to make a complete and full report to the committee and to the legislature in regard to such petitions."

As far as I can see, this is the only reference to subpoenas in there, so it completely removes the ability to use the subpoena power entirely and to me it destroys the entire order.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: For the assistant majority floor leader and members of the House, I would like to relate to you how orders amend other orders. Basically, what you have in front of you is a copy. The original order is held by the Clerk. The amendment relates to that original order. This is the only way that the director of research can make amendments, not from the House Calendar but from the original order. And so when the amendment is made, it is made based on the original order using the lines in sequence as determined on that order. I assume that the director of research knew what he was doing when he drafted the order.

Mr. Speaker and Ladies and Gentlemen of the House, I would pose a couple of questions to the majority floor leader. He has indicated to us that there is a competent staff, there is a competent everything. I wonder if he could relate and tell us who that staff is that is going to be giving subpoenas, if whether or not the entire Judiciary Committee will be present for ordering those subpoenas or whether or not it will be done by the Chairman as obviously this order is and I am interested in the procedure to pro-

tect the citizens of Maine and I wonder if he would answer those two questions.

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

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman knows full well right now that the staff man has not been hired nor have we sat down and even discussed who the staff man might be. In fact, we might just hire a good, competent Democrat. We might be interested in hiring the gentleman from Brunswick.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: The initiative method of referendum is the only vehicle which allows the voting citizens of Maine the opportunity to place on ballots a question which can be decided by the general public.

When we elect leadership in the opening of the legislative session, we do so only to lead our party on clearly political issues. I don't see the question of validity of these petitions as the central issue in this joint order any more. But I do see the attempt of leadership on both sides to use our votes in this House and in the other body to discredit the public power bill which has been given the leadership's guarantee that we legislators will follow its direction and pass the public power bill when it comes before this body.

I may be wrong but the people in Gardiner elected me to represent them and not the party. When we take our seats in this body, we owe our allegiance to the voters at home and not to leadership. I will not be following my leader in all matters except those which are clearly political and of partisan importance.

This order is not a partisan issue and leadership had better realize that it owes us its best effort and it is not the other way around. But I ask you which one of us is elect-

ed to serve leadership? I ask you to assert yourself as an individual and vote your own conscience, not leadership's wishes.

Please — and I beg you — don't let this issue be a partisan one. Members of this House and in both parties have passed these petitions. Are we now going to allow party leadership to determine what we Republicans and Democrats are to support on the floor of the House? I certainly hope not. I am an individual and I ask you to assert your own individuality.

I would move the question and I would hope that both parties do what is right for their own individual constituents and not what leadership demands of us.

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

A vote of the House was taken.

The SPEAKER: Obviously more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. EMERY: Mr. Speaker: I have a parliamentary inquiry. The gentleman debated his motion for the previous question and I believe under the rules that is not allowable. Am I correct?

The SPEAKER: The Chair doesn't see anything which says it is a nondebatable motion in the rules.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen: I am not going to debate this issue and I want to get out of here as early as any of you do but I don't hardly see the fairness for someone to get up and debate and get their point of view over and then move the question. I would take it

to be discourteous to do so and I am sure there are many people here that have things that they want to say on this issue. I am not one of them but I certainly would hope that everyone would have their chance to speak.

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.

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

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

Mr. GAHAGAN: A point of information, Mr. Speaker. Has this amendment been distributed yet?

The SPEAKER: The Chair would answer in the affirmative.

Mr. GAHAGAN: May I have the filing number please?

The SPEAKER: Under H-241.

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 Standish, Mr. Simpson, that House Amendment "A" to Joint Order, Senate Paper 590, be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Chick, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Flynn, Garsoe, Good, Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McKernan, McMahon, Merrill, Morton, Murchi-

son, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Soulas, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, The Speaker.

NAYS — Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cote, Cottrell, Curran, Dam, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Farley, Fecteau, Fraser, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Smith, D. M.; Talbot, Tanguy, Theriault, Tierney, Webber, Wheeler, Whitzell, Wood, M. E.

ABSENT — Albert, Briggs, Carrier, Churchill, Cooney, Crommett, Evans, Faucher, Hodgdon, Mulken, Rolde, Santoro, Sheltra, Silverman, Sproul, Strout.

Yes, 67; No, 66; Absent, 17.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-six having voted in the negative, with seventeen being absent, the motion does prevail.

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

Mr. MARTIN: Mr. Speaker and Members of the House: Before final passage of this order, I would like to respond to the gentleman from Bath, Mr. Ross, who indicated that all this money that was going for this thing was coming from outside the state. I obviously can't prove it but I have some facts and figures in front of me that I can prove and I would just like to relate them to you. They deal with the shares of Central Maine Power Company and they talk about who owns what.

Out-of-staters at the present time own two thirds of the shares of Central Maine Power and in 1971 received three fourths of all dividends paid by that company.

The SPEAKER: For what purpose does the gentleman rise?

Mr. SIMPSON: A point of order, Mr. Speaker.

The SPEAKER: The gentleman may make his point of order.

Mr. SIMPSON: I would ask if the gentleman's comments are germane to the Order before us?

Mr. MARTIN: Mr. Speaker, the point of germaneness will be seen shortly.

The SPEAKER: The gentleman may proceed.

Mr. MARTIN: The gentleman from Bath, Mr. Ross raised the issue, I did not.

Mr. Speaker and Ladies and Gentlemen of the House: A number of these stockholders obviously have an interest in what happens and I think the point made by the gentleman from Bath, Mr. Ross, as to all of the money that was coming in to the petition drive initiated and dealing with the public power issue was an important question and we ought to take a look at that.

Let me just relate to you that seven of the top ten shareholders in Central Maine Power are out-of-state banks and other financial institutions. The largest stockholder or shareholder of CMP is a company called Cede, I guess if I am pronouncing it right, C-e-d-e, Incorporated, which is supposedly a dummy corporation wholly owned entirely by the New York Stock Exchange. The other out-of-state shareholders in the top ten are Manufacturers Hanover Trust of New York; the Old Kent Bank and Trust Company of Grand Rapids, Michigan; the U.S. Trust Company of New York; the Merrill, Lynch, Pierce, Fenner and Smith of New York; Home Life Insurance Company of New York and Provincial National Bank of Philadelphia.

In addition to this, private industries, private utilities in Maine are also out-of-state companies. I make these points not to disparage the fact that Central Maine Power is getting money from the outside because we all know that the investment money is not here in this state to be made.

The point that I am making is very simply this, that we ought not to throw bricks or stones at

anyone who lives in a glass house because sometime we are going to get shot down in the process. It is very very important when we talk about facts and figures that we have got facts and figures to back them up. When we talk about public power, that is a similar issue. We have to be able to see the facts and figures in front of us in order to make a valid decision.

Before final passage of this order — and I know it is going to pass — for all the life that I have got, I can't believe that we are going to give a staff the power to harass the citizens of this state.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to reply, Mr. Speaker, to the gentleman from Eagle Lake, Mr. Martin. I did not mention the stockholders equity of any of the utilities. What I said was and I will quote, "These intriguing proposals are not practical. Most of them have been promoted" and I did not say financially, "by high pressure New York bankers, lawyers and engineers."

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: For the information of the House. I have in my hand a copy of a joint order, giving the Judiciary Committee the power of subpoena. This is in response to the question posed by the gentleman from Millinocket, Mr. Birt. It is short, I will read it.

"In Senate March 1, 1973, Ordered, the House concurring, the communication together with the Bill. "An act creating the Public Power Authority of Maine, Initiated Bill I.B. 1 and accompanying petitions be referred to the Joint Standing Committee on Judiciary for an investigation and report as to the sufficiency of the petitions, with the power on the part of the committee to subpoena witnesses." That was approved by the way in the Senate on March 1, 1973 and in the

House on March 7, 1973 and it is still in effect.

So the Judiciary Committee at this time has the power to subpoena witnesses and the difference between what we passed back in March and what we have now is that under the current order before us, it gives this power of subpoena to staff, and under the existing order which went through the House and the Senate, we have given the power to the Judiciary Committee and they still have it.

Mr. Speaker, I would ask to deliver a copy of this to the majority floor leader through one of the Pages and to the assistants, so they have it. I know that there was no intention there to impugn my integrity, but this talk about subpoena is not some kind of clever move to get some Republicans to change votes. That does not work in the Maine House. I have to live here with you for the next two or three or four months. Here it is in writing, if there is anything wrong with it, if I have made a mistake, it is one in good faith. I do not think that I have. I know there was no implication by the gentleman from Millinocket that I attempted to mislead anyone. I did not, it is here in black and white.

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 Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker and Members of the House: At the present time I am a little confused, like I believe a lot of others are.

I would like to pose a question through the Chair to the gentleman from Brunswick. Do I understand that the subpoena power has already been established and

granted to the Judiciary and also the power of subpoena is going to be granted to another committee is not going to run in a collision course?

The SPEAKER: The gentleman from Old Town, Mr. Binnette, poses a question to anyone who may answer if he or she wishes. The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, I would, if I may, not answer the question myself but rather pose this same question to the Speaker, who is the parliamentarian of this body, as to whether the order which gave subpoena power to the Judiciary Committee on this matter is still in effect.

The SPEAKER: A roll call has been ordered. All in favor of this Joint Order, Senate Paper 590, receiving passage in concurrence will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Chick, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Soulas, Stillings, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY—Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cote, Curran, Dam, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Farley, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague,

Mills, Morin, L.; Morin, V.; Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Sheltra, Smith, D. M.; Talbot, Tanguay, Theriault, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Briggs, Churchill, Cooney, Cottrell, Crommett, Evans, Faucher, Hodgdon, Mulken, Rolde, Santoro, Silverman, Smith, S.; Sproul, Strout.

Yes, 71, No. 64; Absent, 15.

The SPEAKER: Seventy - one having voted in the affirmative and sixty-four in the negative, with fifteen being absent, the Joint Order receives passage in concurrence.

Order Out of Order

Mr. Hamblen of Gorham presented the following Order and moved its passage:

ORDERED, that Denise and Diane Siciliano of Gorham be appointed Honorary Pages for today.

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

Mr. Morton, of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: During the debate my name was mentioned in connection with paying for petitions. I wish to state unequivocally that I have never at any time paid one cent to get a petition signed or to have one passed.

Reports of Committees

Leave to Withdraw

Reports of the Committee on Business Legislation on Bill "An Act Relating to Duties and Responsibilities of Funeral Directors" (S. P. 305) (L. D. 968) reporting Leave to Withdraw.

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

Ought to Pass with Committee Amendment

Report of the Committee on State Government on Bill "An Act Relating to Competitive Bids and Fair Minimum Wages for Construction of Public Improvements"

(S. P. 388) (L. D. 1134) reporting "Ought to Pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted, Committee Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-83)

In the House, the Report was read and accepted and the Bill read once.

Committee Amendment "A" was read by the Clerk and adopted.

Senate Amendment "A" (S-83) was read by the Clerk and adopted.

The Bill was assigned for second reading tomorrow. (Later reconsidered)

Report of Committee on State Government on Bill "An Act to Establish a State Veterans Home" (S. P. 436) (L. D. 1350) reporting "Ought to Pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A". (S-78)

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-78) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Establishing the Maine Training Fund for Employment in Industry" (S. P. 397) (L. D. 1203) reporting same in a New Draft (S. P. 587) (L. D. 1805) under title of "An Act Establishing the Maine Training Fund" and that it "Ought to Pass."

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation on Bill "An Act to Provide Free Choice of Practitioners for Visual Service under Health Insurance Contracts" (S. P. 257) (L. D. 754) reporting "Ought Not to Pass."

Report was signed by the following members:

Mr. COX of Penobscot
— of the Senate.
Messrs. TIERNEY of Durham
JACKSON of Yarmouth
HAMBLÉN of Gorham
DONAGHY of Lubec
TRASK of Milo
DESHAIES of Westbrook
— of the House.

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

Report was signed by the following members:

Messrs. KATZ of Kennebec
MARCOTTE of York
— of the Senate.
Messrs. MADDOX of Vinalhaven
O'BRIEN of Portland
Mrs. CLARK of Freeport
BOUDREAU of Portland
— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report accepted.

In the House: Reports were read.

On motion of Mr. Maddox of Vinalhaven, tabled pending acceptance of either Report and specially assigned for Monday, April 23.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act Relating to Certain Overtime Exemptions Under Minimum Wage Law" (S. P. 124) (L. D. 301) reporting "Ought to Pass."

Report was signed by the following members:

Mr. TANOUS of Penobscot
— of the Senate.
Messrs. ROLLINS of Dixfield
BROWN of Augusta
Mrs. CHONKO of Topsham
McNALLY of Ellsworth
FLYNN of South Portland
McHENRY of Madawaska
BINNETTE of Old Town
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. HUBER of Knox
 KELLEY of Aroostook
 — of the Senate.
 Messrs. GARSOE of Cumberland
 FARLEY of Biddeford
 HOBBINS of Saco
 — of the House.

Came from the Senate with the Minority Report "Ought Not to Pass" accepted.

In the House: Reports were read.
 On motion of Mr. Flynn of South Portland, the Minority "Ought not to pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on State Government on Resolution "Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature" (S. P. 293) (L. D. 840) reporting "Ought to pass" in New Draft (S. P. 586) (L. D. 1804)

Report was signed by the following members:

Messrs. SPEERS of Kennebec
 CLIFFORD
 of Androscoggin
 WYMAN of Washington
 — of the Senate.
 Mr. COONEY of Sabattus
 Mrs. GOODWIN of Bath
 Messrs. CURTIS of Orono
 STILLINGS of Berwick
 Mrs. NAJARIAN of Portland
 Messrs. FARNHAM of Hampden
 CROMMETT
 of Millinocket
 — of the House.

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

Report was signed by the following member:

Mr. SILVERMAN of Calais
 — of the House.

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

In the House: Reports were read.

On motion of Mr. Curtis of Orono, the Majority "Ought to pass" Report was accepted in concurrence, the New Draft read

once and assigned for second reading tomorrow.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to Penalty for Burglary" (H. P. 206) (L. D. 279) on which the House passed the Bill to be engrossed as amended by Committee Amendment "B" (H-171) on April 10.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-170) in non-concurrence.

In the House:

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

Mr. FARRINGTON: Mr. Speaker, I move the House insist.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Farrington of China to insist and specially assigned for Monday, April 23.

Non-Concurrent Matter

Bill "An Act Relating to Conveyance of Secondary Pupils" (H. P. 633) (L. D. 847) which was passed to be engrossed in the House on April 11.

Came from the Senate with Bill and Reports indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

Orders

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

Mr. BIRT: Mr. Speaker, I would ask if the House is in possession of Senate Paper 79, L. D. 196.

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act Relating to Use of Studded Tires on Motor Vehicles," Senate Paper 79, L. D. 196, is in the possession of the House.

Mr. BIRT: Mr. Speaker, I object to this being on the Consent Calendar. This was on yesterday's Consent Calendar.

Thereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment "A" (S-68) was read by the Clerk.

On motion of Mr. Birt of East Millinocket, Committee Amendment "A" was indefinitely postponed in concurrence.

Senate Amendment "B" (S-71) was read by the Clerk.

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

Mr. JACQUES: Mr. Speaker, the only thing I am worried about is that if we don't conform with other states that this could interfere with our federal money. I was wondering if anyone would have any information on this.

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

The Chair recognizes the gentleman from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker, we were told in the committee that the states do not conform as it is. They all have different dates.

Thereupon, Senate Amendment "B" was adopted.

Senate Amendment "C" (S-79) was read by the Clerk and adopted.

The Bill was assigned for second reading tomorrow.

On motion of Mrs. McCormick of Union, it was

ORDERED, that Leon Crommett of Millinocket and Stewart Smith of Exeter be excused for the duration of their illness.

Mr. Merrill of Bowdoinham presented the following Joint Resolution and moved its adoption:

Whereas, the Legislature has learned with regret of the passing on April 16, 1973 of the Honorable Cleveland P. Curtis of Bowdoinham; and

Whereas, he has served this State with honor and distinction as a Member of the House of Representatives of the 96th, 97th, 98th, 99th, 100th and 101st Maine Legislatures; and

Whereas, he will always hold a position of great prominence in

the hearts of those he served so industriously, effectively and unselfishly during his lifetime; now, therefore, be it

Resolved: That We, the Members of the One Hundred and Sixth Legislature now assembled, pause to mourn the passing of our former colleague and to honor his memory; and be it further

Resolved: That for the perpetuation of his memory, this token of respect and sympathy by his successors in trust be printed in the journal of the House of Representatives and that a suitable copy of this Resolution be prepared and presented to his beloved wife, Elva, with our deepest sympathy. (H. P. 1448)

The Resolution was read and adopted and sent up for concurrence.

Mr. Drigotas of Auburn presented the following Joint Resolution and moved its adoption:

WHEREAS, the Members of the Legislature have learned with profound sorrow of the death on April 12th, 1973 of the Honorable Romeo L. Laberge of Auburn; and

WHEREAS, Representative Laberge served with great honor and distinction for more than one term in the House of Representatives of the Maine Legislature; and

WHEREAS, he was a man who was not only admired in his community but one who was held in high esteem and regard by his legislative colleagues and delegation; and

WHEREAS, in his passing, the State of Maine, County of Androscoggin and City of Auburn have lost one of their most able, useful and loyal citizens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Sixth Legislature now assembled, pause to mourn the passing of our friend and former colleague and to honor his memory; and be it further

RESOLVED: That for the perpetuation of his memory, this token of respect and sympathy by his successors in trust be printed in the journal of the House of Representatives and that a suitable copy of this Resolution be prepared

and presented to his dear wife, Dorila, and her two sons, with our deepest sympathy. (H. P. 1449)

The Resolution was read and adopted and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. LaPointe from the Committee on Health and Institutional Services on Bill "An Act Relating to Duties of Bureau of Corrections, Department of Mental Health and Corrections" (H. P. 585) (L. D. 774) reporting "Ought not to pass"

Mrs. Berry from the same Committee reporting same on Bill "An Act Relating to Rehabilitation of Inmates Committed to the State Prison" (H. P. 584) (L. D. 777)

Mr. McMahon from the Committee on County Government reporting same on Bill "An Act Relating to Kennebec County Fees" (H. P. 837) (L. D. 1111)

Mr. Pontbriand from the same Committee reporting same on Bill "An Act Transferring Responsibility for All Municipal Roads to the County" (H. P. 963) (L. D. 1274)

Mr. Bragdon from the Committee on Appropriations and Financial Affairs reporting same on Bill "An Act to Provide Additional Federal - State Services" (H. P. 1011) (L. D. 1329)

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

Leave to Withdraw

Mr. Lewis from the Committee on Health and Institutional Services on Bill "An Act to Establish a Discharge Board to Review Recommendations of Discharge of Patients from State Mental Hospitals" (H. P. 1026) (L. D. 1348) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Leave to Withdraw Covered By Other Legislation

Mr. Whitzell from the Committee on County Government on Bill "An Act Increasing Payments to Knox County Law Library" (H. P. 970) (L. D. 1277) reporting Leave to Withdraw as Covered by Other Legislation.

Mr. Pontbriand from the same Committee reporting same on Bill "An Act Relating to Probate Fees" (H. P. 972) (L. D. 1279)

Mrs. Berry from the Committee on Health and Institutional Services reporting same on Bill "An Act to Change the Term of Office of the Board of Barbers" (H. P. 974) (L. D. 1281)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Trumbull from the Committee on Human Resources on Bill "An Act Repealing Notice of Department of Health and Welfare to Municipalities of Applicants and Recipients of Public Assistance" (H. P. 54) (L. D. 64) reporting "Ought to pass" in New Draft (H. P. 1447) (L. D. 1867) under new title "An Act Changing the Form of Notice of the Department of Health and Welfare to Municipalities of Recipients of Public Assistance"

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Relating to Lead Poisoning Control" (H. P. 474) (L. D. 621) reporting "Ought to pass" in New Draft (H. P. 1446) (L. D. 1866)

Report was signed by the following members:

Messrs. GREELEY of Waldo
HICHENS of York
— of the Senate.

Mr. DYAR of Strong
Mrs. BERRY of Madison
Messrs. LEWIS of Pemaquid
SOULAS of Bangor
SANTORO of Portland
GOODWIN
of South Berwick
WHITZELL of Gardiner
LaPOINTE of Portland
of Old Orchard Beach
Mrs. MORIN
— of the House.

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

Report was signed by the following members:

Mr. MINKOWSKY

of Sagadahoc

— of the Senate.

Mrs. McCORMICK of Union

— of the House.

Reports were read.

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

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

On motion of Mr. Carrier of Westbrook, tabled pending the motion of Mr. Dyar of Strong to accept the Majority "Ought to pass" Report and specially assigned for Monday, April 23.

Consent Calendar

First Day

(H. P. 710) (L. D. 916) Bill "An Act Amending Fee Schedule for Registered Nurses" — Committee on Health and Institutional Services reporting "Ought to pass"

(H. P. 890) (L. D. 1177) Bill "An Act Relating to Vacation and Sick Leave Pay for County Employees" — Committee on County Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-234)

(H. P. 914) (L. D. 1214) Bill "An Act Relating to Permanent Motor Vehicle Operators License Numbers" — Committee on Transportation reporting "Ought to pass" as amended by Committee Amendment "A" (H-235)

(H. P. 1121) (L. D. 1459) Bill "An Act to Repeal the Law Providing for Town Workhouses and Houses of Correction" — Committee on Health and Institutional Services reporting "Ought to pass"

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

Consent Calendar

Second Day

Tabled and Assigned

(S. P. 285) (L. D. 832) Bill "An Act Relating to Management of Endowment Funds of Educational

Religious and Charitable Organizations" (C. "A" S-75)

On request of Mr. Carey of Waterville, was removed from the Consent Calendar.

The Report was accepted and the Bill read once.

Committee Amendment "A" (S-75) was read by the Clerk.

On motion of Mr. Carey of Waterville, tabled pending adoption of Committee Amendment "A" and specially assigned for Monday, April 23.

(S. P. 325) (L. D. 1029) Bill Act Relating to Membership in Maine Law Enforcement Planning and Assistance Agency".

(H. P. 923) (L. D. 1221) Bill "An Act Revising the Laws Relating to Savings and Loan Associations"

(H. P. 1070) (L. D. 1395) Bill "An Act to Permit Savings Banks to Invest in Obligations of the Asian Development Bank"

(H. P. 1081) (L. D. 1404) Bill "An Act Permitting Savings Banks to Indemnify its Trustees, Officers and Employees"

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

Second Reader

Tabled and Assigned

Bill "An Act to Provide Maine Students with Benefits of Environmental Education" (S. P. 400) (L. D. 1205) (C. "A" S-66)

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, this bill generated quite a bit of debate. I don't know if you realize the position we are in right at the present time, but we accepted the majority "ought to pass" report when the other body indefinitely postponed Committee Amendment "A" and accepted Senate Amendment "B". In essence, Senate Amendment "B" was a complete redraft of the whole entire bill. Therefore, I feel that we ought to try to get back into it. So therefore, I would ask that we reconsider

our action whereby we accepted Committee Amendment "A".

Thereupon, on motion of Mr. Simpson of Standish, the House reconsidered its action whereby Committee Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed.

Senate Amendment "B" (S-77) was read by the Clerk.

(On motion of Mr. Donaghy of Lubec, tabled pending the adoption of Senate Amendment "B" and tomorrow assigned.)

Second Reader Tabled and Assigned

Bill "An Act Designating Columbus Day a Legal Holiday" (H. P. 989) (L. D. 1309)

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

(On motion of Mr. Hoffses of Camden, tabled pending passage to be engrossed and specially assigned for Monday, April 23.)

Passed to Be Engrossed

Bill "An Act to Provide Schooling for Juvenile Offenders in Place of Incarceration" (H. P. 1256) (L. D. 1581) (C "A" H-229)

Resolve Providing for Purchase of One Hundred and Fifty Copies of History of Solon, (H. P. 1231) (L. D. 1604) (C "A" H-230)

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 Tabled and Assigned

Bill "An Act to Prohibit Interlocking Directorates in Banking Institutions" (S. P. 575) (L. D. 1766)

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

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Relating to a State Trails System" (S. P. 581) (L. D. 1788)

Bill "An Act Relating to Hunting and Trapping Bear" (H. P. 1443) (L. D. 1858)

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

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

Mr. BIRT: Mr. Speaker and Members of the House: Relative to item 2 on page 2, we adopted both the Committee Amendment and Senate Amendment. In reviewing them, I find they are in conflict. I would therefore move that we reconsider our action whereby we adopted Committee Amendment "A".

Thereupon, on motion of Mr. Birt of East Millinocket, the House reconsidered its action of earlier whereby Committee Amendment "A" to Bill "An Act Relating to Competitive Bids and Fair Minimum Wages for Construction of Public Improvements," Senate Paper 388, L. D. 1134, was adopted and the Amendment was indefinitely postponed.

Passed to be Enacted Emergency Measure

An Act to Amend the Act Creating the Eastport Public Landing Authority (H. P. 421) (L. D. 570) (C. "A" H-190)

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. 117 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Tabled and Assigned

An Act Creating Aroostook County Commissioner Districts (H. P. 55) (L. D. 65)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Monday, April 23.)

Passed to Be Enacted

An Act to Increase the Salary of Court Reporters (H. P. 328) (L. D. 446) (C. "A" H-198)

An Act Relating to Release and Discharge of Persons Acquitted by Reason of Mental Disease or Mental Defect (H. P. 336) (L. D. 454) (C. "A" H-166)

An Act Prohibiting Hunting and Trapping on Penobscot Indian Lands by Persons Other Than Penobscot Indians (H. P. 351) (L. D. 466) (C. "A" H-186)

An Act Relating to Powers of Ogunquit Village Corporation (H. P. 438) (L. D. 587) (C. "A" H-187)

An Act Relating to Fire Protection Requirements in Construction of Certain Buildings (C. "A" H-194) (H. "A" H-208) (H. P. 493) (L. D. 647)

An Act Relating to Stop-sale Orders under Maine Economic Poisons Law (H. P. 668) (L. D. 873) (S. "A" S-76)

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

Enactor**Tabled and Assigned**

An Act Authorizing Games of Change at Agricultural Fairs (H. P. 714) (L. D. 920) (C. "A" H-195)

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

(On motion of Mr. Willard of Bethel, tabled pending passage to be engrossed and specially assigned for Monday, April 23.)

An Act Relating to the University of Maine Treasurer's Report (H. P. 910) (L. D. 1198) (H. "A" H-210)

An Act Prohibiting Bringing Animals Into Food Stores (H. P. 986) (L. D. 1306) (C. "A" H-188)

An Act to Establish a Cooperative Education Support Program (H. P. 1101) (L. D. 1437) (C. "A" H-192)

An Act Providing for Maine Resource Education by Department of Sea and Shore Fisheries (H. P. 1127) (L. D. 1462) (C. "A" H-193)

Finally Passed

Resolve Authorizing the Forest Commissioner to Convey the

State's Interest in Lot in Codyville, Washington County, to Clarify Title (H. P. 988) (L. D. 1308) (C. "A" H-191)

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

Orders of the Day

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

Thereupon, Mr. Emery assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

The Chair laid before the House the first item of Unfinished Business:

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 12, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

On motion of Mrs. Berry of Madison, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentlewoman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-183) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentlelady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: This law was amended by a bill just passed in the 105th, brought about by misuse in some instances by state employees. It was brought out then that many employees living on the grounds of institutions, and in most cases we are talking of institutions with the exception of a few in the Forestry and Inland Fish and Game Department that were not there by necessity.

This law has caused hardship, particularly in the lower income group. I believe it should be remedied. Some workers have

moved out as a result of the housing and food policy, as the economic benefits of living on institutional grounds no longer offset the drawbacks. It has meant a real income cut for such persons as house parents working on a split shift; forestry and game wardens living in places of rural character where housing is not available.

But I think we should consider under this amendment what would be called necessities. It should be noted: One, that there is a staff on duty generally around the clock in our institutions. Two, modern means of communication and travel now enable employees to get to the scene in a relatively short time. Three, in fact, there is no guarantee that employees would be at home and available if an emergency did occur and then I understand that even if they are home sometimes they will not respond. Four, personnel now performing the same functions live on the grounds at some institutions and off grounds in others. Five, no one is required to live on grounds by statute in our institutions, except the warden of the State Prison.

Let me just review the housing costs for workers and how they are arrived at. Take for instance at the State Hospital. One of the homes listed at a cost value of around \$25,000 which is the historic value, our superintendent of that institution pays \$25.42 a week. This includes water, electricity, fuel and sewer. Referring to the formula used to get this per weekly cost, in figuring this out, I find the rent itself only costs them \$13.00 weekly, which is ridiculously low, certainly not a hardship for such a highly paid person. I am using this only as an example. Rents outside the institution and in this city I find to be at least double or triple that. At the boys training school the house parents are paying \$15.00 a week for small apartments within the dormitory. Formula for rent in our institutions are based on cost of the building, 3 percent for maintenance of such dwelling, plus actual water, electrical, fuel and sewer costs.

There seems to be some discrepancies in this. It does not consider the depreciation. Actual maintenance could be more or less than 3 percent, depending on the age of the dwelling. We have some very old buildings and some very new buildings. Shouldn't rent charged compare to similar housing in the community in which it is located. It would seem some studying should be done in regards to this.

But considering L. D. 1344 passed, I am sure that the powers that be for convenience sake would be convinced that all those now living in state property paying rent and those paying for meals would be there because of necessity. We would find that there would be some manipulation I am sure to have all of these exempt. I am sure we all know that we have some experienced manipulators here in Augusta. I do not feel that our highly paid employees need the type of privilege that this bill might give them. I do, however, feel that those in a low income group should have such exemptions. This is why I have presented this amendment.

This amendment would give to those state employees involved a privilege, but it would set a salary of less than pay range 21, merit service step "E" of the compensation plan for classified employees, which would be around \$15,000. This would include all of those which I have concern about. I have talked with departments and found that this would be true.

I would ask that you accept this amendment.

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

Mr. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I am a little confused by this amendment. I would like to pose a question to Mrs. Berry. Is this the bill that the Health and Institutional Services Committee heard?

The SPEAKER pro tem: The gentleman from South Berwick poses a question to the Chair to the gentlelady from Madison who

may answer if she wishes. The Chair recognizes that gentletady.

Mrs. BERRY: Mr. Speaker and Ladies and Gentlemen of the House: This is not the one that we heard in our committee. This is the overall bill, not just for particular ones that we heard in our committee.

Thereupon, on motion of Mr. Finemore of Bridgewater, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, April 23.

The Chair laid before the House the second item of Unfinished Business:

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

Tabled — April 12, by Mr. Jacques of Lewiston.

Pending — Adoption of House Amendment "E" (H-216)

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "E" may seem very long but do not let that fool you. It does only one thing. As most of you know, this year we passed a new ballot and all this amendment does is to change our election law bill to conform with that new ballot. I move the amendment be adopted.

Thereupon, House Amendment "E" was adopted.

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

House Amendment "A" to House Amendment "E" (H-227) was read by the Clerk.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This amendment does only one thing. On page 2 of the amendment that you just adopted, it talks about write-ins, and it says you have to write the last name first. Since most people are known by their full name, we have deleted this in this amendment, and all that this does is that in write-ins, it will be perfectly valid to use

the last name or the first name first.

I move the adoption of this amendment.

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

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

House Amendment "F" (H-226) was read by the Clerk.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: We have had on our table since March 12, a constitutional amendment to reduce residency for all persons to 30 days. As you know, it used to be six months from out of state and three months in state. But the Supreme Court ruled last year that if you wanted to vote for President and Vice President only, you could register the very next day. We had an understanding that they would approve 30 days for all. So we put this question to our Supreme Court and they came back with a ruling that in certain states that have a difficult registration procedure, the requirements might be allowed even up to 50 days but not in Maine.

In Maine, as we interpret it, the longest time that we would be allowed would be 9 days, since in cities over 24,000, the board is closed for 9 days. I believe that we must discuss this particular bill that is on the table in both of our caucuses to decide what we are going to come up with for a day. So this just completely deletes from the Omnibus bill any provision of residency requirement.

I move its adoption.

Thereupon, House Amendment "F" was adopted.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: That ends the amendments I have, but the Democrats presented me with ten of theirs just now. This, I think, may set a new record because we will go as far as House Amendment "P". But I now suggest that somebody table this for just one more day and we will listen to the ideas from the other party.

On motion of Mr. Hoffses of Camden, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the third item of Unfinished Business.

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

Tabled — April 12, by Mr. Good of Westfield.

Pending — Passage to be engrossed.

Mrs. White of Guilford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-228) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

The Chair laid before the House the fourth item of Unfinished Business.

Bill An Act Preventing Discrimination in Reimbursement or Payment under Insurance Policies (S. P. 153) (L. D. 387)

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

Pending — Acceptance of Either Report.

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

Mr. DYAR: Mr. Speaker, I move the acceptance of the minority "ought to pass" report and would speak briefly to my motion.

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

The gentleman may proceed.

Mr. DYAR: Mr. Speaker and Members of the House: The minority report on L.D. 387 is a redraft, which can be found under L.D. 1768.

I feel this morning, rather than accepting the majority "ought not to pass" report, we should accept the minority report so that the redraft would come out on the floor of the House for discussion. I think this is a very important issue, it is allowing the people of the State of Maine to use the services of a chiropractor and be able to collect under insurance.

I think if you study the matter, you will find that many states, California for example, the cost in many cases for back injury in industry, the chiropractic profession treats a patient and has him back to work much faster than the medical people.

The big argument against this piece of legislation is the fact that it is going to raise insurance costs. If we take the information that can be believed from the other states in this country that do recognize this practice, you will find, if anything, that the cost of insurance that includes the chiropractor should reduce the overall rates.

So I hope this morning that you will go along and accept the minority report and be able to have time to read this piece of legislation and act accordingly.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker and Members of the House: To begin with this bill, L.D. 1768, has a very deceptive title. It is not a bill to end discrimination. It boils down to one question and one question only: shall Blue Cross pay for chiropractors' charges.

This is not reflected in the title, but this is what the whole bill amounts to, and this was very apparent at the public hearing, Blue Cross versus the Chiropractors.

Now, I believe it is only proper to explain right now how Blue Cross operates. Unlike the conventional insurance company, which incidentally pays chiropractors' bills, this is a nonprofit organization that pays benefits only after negotiating with a hospital or a doctor on acceptable charges. They establish beforehand what these charges will be; and because of this practice, they are able to control costs and hold down premiums to their subscribers. They have established over the years this liaison between hospitals, medical doctors, osteopaths, but have apparently been unable to do so with the chiropractors.

Blue Cross very recently agreed to offer chiropractic service to its subscribers on an optional basis, but the chiropractors have refused it. They want it mandatory. They want two factions, Blue Cross and the chiropractors to be forced into a contract against the wishes of one party without any prior agreement on charges.

Now, I have absolutely nothing — absolutely nothing—against chiropractors. If any person chooses to use one, fine. This is his or her business. But I don't think it should be forced on other people. I am concerned, very concerned, with what will happen to the cost of Blue Cross in this state; for if we mandate this for the chiropractors, then we surely will have to treat in a similar manner the optometrist, the ophthalmologist, the psychiatrist, the psychologist, podiatrist, dentist, and anyone else that falls under Title 32 including the lightning rod salesman. Incidentally, he is under Title 32 also. They are out there in the wings right now awaiting the outcome of this bill. If this is what we want to do, fine, but what will happen to the cost of Blue Cross hospitalization. I can predict, if we start adding services, that the premiums will go out of sight and this is what concerns me.

There are approximately 440,000 Blue Cross subscribers in this state and many of these are marginal cases, older people, low-income people who are barely able to meet the present costs. Are we going to price these people right out of the market by adding the burden of chiropractors' charges and other professions to their premiums when they do not want it. Are we going to deprive them of an opportunity to buy basic medical coverage.

This is what this whole question boils down to without prejudice to any particular profession or occupation. I say no, let's continue as we are. Hold the cost of hospitalization as it is, and allow Blue Cross to eventually negotiate with these other professions on acceptable charges, which they have promised to do.

Ladies and gentlemen of the House, I would strongly urge you to consider the very real threat of increased hospitalization costs to Maine people if this bill and others like it are passed. Accordingly, I would hope we do not accept the minority report of the committee "ought to pass" report.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have never been to a chiropractor in my life, but I do pay insurance. I feel that if I desire to go to a chiropractor, then that insurance should pay him. I believe this is America, we should have a free right.

I wonder what the MD's would say — and I have been to a lot of medical doctors — if my insurance said we will not pay you. I feel that every man in the United States and every woman should have the right to go to who they desire. And when a man stands here and tells me that our insurance will go up because we maybe go to a chiropractor, this has never been proven. We don't know whether it will go up or down. And today I shall fight for the minority report.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify one point. In my original statement I said that possibly the costs could go down and it could well go down. Now, in the case of the back injury, a person going to a chiropractor normally can be back to work in two or three days. In many cases, with the same back injury, through the medical profession this person could be hospitalized, and possibly in a plaster cast for six months. The national statistics do show that the chiropractors, in most cases, in back injuries and such allied injuries, put the person back to work at a much faster rate than the medical industry. So if this is true, then certainly the cost will not go up, it will go down.

I don't know what the option is that was referred to: but in my mind, possibly the option was that a person holding a Blue Cross policy, if he wanted the chiropractic benefits, he might have to pay additional. Now the argument that it is going to cost more money, I don't think is valid. If anything, it will cost less money.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Trask.

Mr. TRASK: Mr. Speaker, Ladies and Gentlemen of the House: This report came out of Business Legislation "Ought not to pass" 10 to 3. The Business Legislation Committee examined this redraft, L. D. 1768. The redraft was presented by the Maine Chiropractic Association. The majority of the committee, as I just said, recommended that it "ought not to pass." This was a recommendation made after a substantial amount of discussion within the committee. We did not discuss the relative merits or demerits of the practice of chiropractic but examined the legislation from the point of view of whether it was wise for the legislature to enact laws guaranteeing payment to one particular profession.

This bill, if enacted, would do several things and we should be aware of the magnitude of this legislation.

The first paragraph of the redraft would require all health insurance companies, Maine Blue Cross and Blue Shield, and workmen's compensation insurance, to pay chiropractors when a chiropractor treated a condition covered under such a policy or contract. Nothing gives the people the ability to say whether they want to pay the additional premiums that might be required for this coverage.

The second paragraph says that this mandatory law would not only affect future policies and contracts but also present policies. Thus, the chiropractors would come under a contract already in existence which they had nothing to do with.

The third paragraph is there because chiropractors are not allowed to treat patients in hospitals. Many policies and contracts say

that payment will be made only if the treatment is done in a hospital. If this bill were to pass, chiropractors could treat the patient whenever they wanted to, but physicians would still be bound by the terms of the policies or contracts.

The fourth paragraph would put the insurance company, or Blue Cross out of business for three months if they didn't pay the chiropractor. How do all the other claims get handled if the company is out of business?

Most of you are aware that you can purchase just about any brand of insurance coverage if you are willing to pay the premium. The nature of coverage should be something to be decided by the carrier and the individual or group and should not be dictated by this legislature, acting in response to a request by a profession which wants guaranteed payment. Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker and Members of the House: In essence, this bill before us and the issue right now is an insurance equality bill. This bill does not extend the scope of practice of a chiropractor. It does give more credibility to insurance companies by partially eliminating the public's eternal question, does my policy cover this?

Old policies, present policies and future policies will no longer have misleading exclusions concerning chiropractic coverage. There is no difficulty in transition, merely a note to all policy holders saying that in the future chiropractic care is covered. And above all, this eliminates the exclusion of chiropractors from policies. We do not wish in a democracy to preclude freedom of choice. This is freedom of choice legislation, freedom of choice for the consumer, not the insurance company.

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

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

House: I rise to support the motion of Chairman Trask of the Business Legislation Committee and to oppose the gentlelady from Freeport.

In the first place, you have just been given by this gentlelady a bit of misinformation. In the first place, Blue Cross and its associated organization, Blue Shield, are noninsurance companies. They are not insurance companies. I deny having any connection with Blue Cross and Blue Shield. They are an association of hospitals, the Associated Hospitals of Maine is one of the groups, the other is Associated Physicians of Maine, the doctors of Maine. They have nothing to do with the commercial company. They do not reimburse anything in money. They provide services under certain circumstances to their subscribers. It is an entirely different operation.

What we would be doing here would be telling this group of hospitals that they had to do business with people that are not admitted to practice within their doors. Doctors of another profession — I am not saying whether chiropractors are good or bad, whether they can do something or they can't do something. The laws of the State of Maine have long ago decided this and chiropractors are not in the same group with M.D.'s and osteopaths who are covered by the Associated Hospitals of Maine and I don't think that we should mandate to the Associated Hospitals and the Associated Doctors of Maine what their practices or positions should be as far as offering of services.

Now I don't think that we should go in and tell them how much they should charge any more than we tell someone how much they will charge for a Ford automobile or for a Toyota. I don't think we should be able to tell the Toyota people whether they should have red fenders on their car and blue tops. This is going way beyond the present legislative practice. This is not a dictatorship; this is supposed to be a democracy. I hope that you will go along with the indefinite postponement of this bill.

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

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair to anyone who might answer it.

The SPEAKER pro tem: The gentleman may pose his question.

Mr. MORTON: My question is, does this bill, 1768, the redraft, give privileges to chiropractors which do not presently exist for other persons who dispense health care?

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

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

Mr. DONAGHY: Mr. Speaker, in my opinion it would without the consent of the association. The doctors, the M.D.'s have had to negotiate for what their charges are on certain procedures and the hospitals negotiate for the acceptable charges in their hospitals. Different hospitals have different discounts. This is something that is negotiated and not mandated in any case at the present time.

Mr. Dyar of Strong was granted permission to speak for a third time.

Mr. DYAR: Mr. Speaker and Members of the House: I have to assume that other states in this country do have Blue Cross and Blue Shield or similar organizations and our sister state, New Hampshire, just passed legislation and took in toto which is practically the same as this bill here.

Now to end any discomfort that the committee may have, I have an amendment on my desk which at the proper time will delete the fourth paragraph which has the penalties. So Blue Cross, Blue Shield, or any other agency will not be put out of business for any length of time.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I guess I am at a loss here this morning. I have just

taken out my little card, Blue Cross, Blue Shield and the way I see it, it is an insurance company. It says it is Group, Family and Special Benefits covered by the Union Mutual and if Union Mutual isn't an insurance company I would like to know who they are.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker and Men and Women of the House: Blue Cross and Blue Shield is a nonprofit, nontaxable organization as chartered under the laws of the State of Maine. It holds a most enviable position in that it is nontaxable. I allege that its main purpose is to meet the needs of the people. I would also allege that consumers who seek medical assistance from chiropractors are people and their needs should be met. If Blue Cross and Blue Shield has not met the needs of the people, then I suggest that this legislature not support the motion to indefinitely postpone, because evidently Blue Cross and Blue Shield and its nonprofit, nontaxable status within our state needs some incentive to meet the needs of the people.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker and Members of the House: I was hoping we could spare lengthy debate on this subject, but apparently this is not the case.

Let me state once again that I am not against chiropractors. I have utilized their services in the past for a back pain and was reasonably satisfied. I probably would again for a bone or muscle connected discomfort but not for everything. We must remember the basic philosophy of chiropractic treatment as it was briefly explained to me by the chiropractor. Most all human ailments according to them, originate in the spinal column. Now taken literally, this means cancer, cirrhosis of the liver, lung disease and so on and so on, ingrown toe nails, down to the mole on your nose.

Well I find that a little hard to accept. I have no medical training

but if some people are happy with this philosophy, this belief, that is their business. But I don't accept it and I don't want my Blue Cross premiums to reflect it.

Mr. Cote of Lewiston requested a roll call vote.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Milo, Mr. Trask, that Reports and Bill "An Act Preventing Discrimination in Reimbursement of Payment under Insurance Policies," Senate Paper 153, L. D. 387, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Carrier, Churchill, Cote, Cressey, Curran, Curtis, T.S., Jr.; Davis, Deshaies, Donaghy, Drigotas, Dunn, Farnham, Farrington, Ferris, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Good, Hamblen, Hancock, Haskell, Henley, Hobbins, Hoffses, Huber, Jackson, Jacques, Kelleher, Kelley, Kelley, R.P.; Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, McKernan, McMahon, Merrill, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Pratt, Ross, Shaw, Simpson, L.E.; Susi, Theriault, Trask, Trumbull, Walker, White, Willard.

NAY — Albert, Berry, P.P.; Brawn, Bustin, Cameron, Carey, Carter, Chick, Chonko, Clark, Conley, Connolly, Cottrell, Dam, Dow, Dunleavy, Dyar, Emery, D.F.; Farley, Fecteau, Finemore, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Hunter, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lewis, J.; Littlefield, Mahany, Martin, Maxwell, Mc-

Henry, McNally, McTeague, Mills, Morin, L.; Morin, V.; Morton, Parks, Perkins, Peterson, Pontbriand, Ricker, Rollins, Sheltra, Smith, D.M.; Soulas, Stillings, Talbot, Tanguay, Tierney, Tyndale, Wheeler, Whitzell, Wood, M.E.

ABSENT — Binnette, Briggs, Cooney, Crommett, Dudley, Evans, Faucher, Hodgdon, Immonen, Jalbert, McCormick, Mulkern, Rolde, Santoro, Shute, Silverman, Smith, S.; Snowe, Sproul, Strout, Webber.

Yes, 68; No, 61; Absent, 20.

The SPEAKER pro tem: Sixty-eight having voted in the affirmative and sixty-one in the negative, with twenty being absent, the motion does prevail.

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

Mr. DESHAIES : Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and I hope you all vote against me.

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

Mr. DYAR: Mr. Speaker, I request this item be tabled for two days, pending reconsideration.

Thereupon, Mr. Trask of Milo requested a vote on the motion.

The SPEAKER pro tem: All in favor of this matter being tabled for two legislative days, pending the motion to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: I have been in this legislature for quite some time. I have always supported a bill of this type. I feel that the people should have the freedom of choice, whether they go to the hospital or whether they go to an office. And if we keep on being as biased as we have been in the past against chiropractors, I think it is very wrong.

I pay Blue Cross and Blue Shield like most of you in this House do. Recently I had to use the hospital

and lo and behold, I have my bill, I found out that I have a bill of \$40.00. It only covered \$12.00 and I have been paying all these years — Blue Cross and Blue Shield — and I do not believe that I am getting my money's worth.

I feel that if I want to use another type of physician for a backache or for those services which a chiropractor gives me, I should be able to be reimbursed for it. It is a little bit sickening, we stand here and say that premiums are going to go up. We are paying now for nothing. What services are we getting from Blue Cross and Blue Shield? Unless you are in bed, laid out in the hospital for several weeks, but if you are an out patient you get nothing.

I have all kinds of bills now for pills and I have got to go to the doctor every other week. I am not covered by Blue Cross and Blue Shield. I feel that I should have more coverage for the money that I am paying and for the 50 percent that the state is paying for me. And I think it is about time that we took the bull by the horns here and gave a break to those individuals who want freedom of choice and go to the physician, the doctor, the chiropractor or any other physical trade that he wants to go to so he can get relief.

I hope that we reconsider this bill here this morning.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: In a very unofficial capacity I have been listening to this debate and I urge you not to reconsider. We have about three bills in this calendar right at the time that all pertain to this very same subject. I am not speaking for or against the particular professions, but I am looking at it from a point of view of contractual agreement between the parties.

I believe the gentleman from Farmington asked a question a few minutes ago. I would like to read you a Supreme Court decision from the State of Washington that was

handed down pertaining to a suit just as recently as January on this very same subject. And it says this: "It appears to have been enacted, not in the interest of regulating any profession or calling or effecting the standards for the practice of medicine or the operation of hospitals or the practice, but to provide a financial indemnity to one branch of the healing arts at the expense of other contracting parties."

The SPEAKER pro tem: The pending question is reconsideration. All in favor of reconsidering will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 67 having voted in the negative, the motion did not prevail.

Sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Business.

Resolve Designating a Certain Bridge Across the Androscoggin River as "The Veterans Memorial Bridge" (S. P. 329) (L. D. 1033)

Tabled — April 12, by Mr. Kelleher of Bangor.

Pending — Motion of Mr. Tanguay of Lewiston to accept Minority Report "Ought to pass."

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

Mr. FRASER: Mr. Speaker, I move that this be tabled for two more days.

Thereupon, Mr. Ault of Wayne requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Mexico, Mr. Fraser, that this matter be tabled for two legislative days. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I wanted to speak on this

bill the other day and I was prevented by the tabling motion. I would like to tell you now what I wanted to tell you then. First of all, when the Representative from Lewiston, Mr. Tanguay, moved for the acceptance of the minority "ought to pass" report, he identified himself as Chairman of the Androscoggin Delegation. Now whether he intended it or not, the implication was made that he spoke for the delegation. There was no poll of the delegation and as a member of that delegation I am not in favor of the "ought to pass" report.

There was read into the record two letters, one from the City of Lewiston and one from the City of Auburn, in which the governing body supported this pact. I do not deny that as individuals they can express their opinions, but I seriously question whether they are expressing the majority position of the citizens of Lewiston and Auburn. There was also read into the record two letters from veterans' organizations in Auburn and I do not deny them their right to speak for their veterans. But I found it very curious that there was no veteran's organization in Lewiston that expressed a ny opinion for or against the bill.

I have had my differences with the gentleman from Lewiston, Mr. Jalbert, privately and publicly, but I do recognize his contributions to the State Legislature over many years and I do recognize that he has contributed a great deal to the cities of Lewiston and Auburn by being in the State Legislature. For those reasons I am going to vote against the acceptance of the minority report.

The SPEAKER pro tem: The pending motion is acceptance of the Minority "Ought to pass" Report. The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I have taken no action whatsoever in this controversy. I do not know just how much I am willing to involve myself. There is one thing on the pattern that seems to be becoming more and more evident, that somewhere in the

local area of this controversy, there is a vendetta.

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. BRAUN: A point of inquiry. I would like to ask if item 5 is the same as item 12, we are referring to? Under item 12, is this the same identical bridge?

The SPEAKER pro tem: The Chair would answer in the affirmative.

The gentleman from Norway may proceed.

Mr. HENLEY: Thank you, Mr. Speaker. I am dealing now with the report number 5, which I believe was the acceptance of the minority "ought to pass" report. This is the report, I believe, correct me if I am wrong, which approved the minority "ought to pass" report of naming the bridge, The Veterans Memorial Bridge. Am I right? I am not saying it should not be the Veteran's Memorial Bridge, I say that the controversy seems to hinge on a vendetta.

I say we should not legislate in that manner, whether it be a memorial or whatever. I have watched the thing and because of that and being a veteran myself, and somewhat involved in veterans' organizations and groups — I have been a Legionnaire since 1946 — I have made it a point to check with the forces that should reflect the feeling of the state veterans' organizations. I find no desire whatsoever from those organizations to name this bridge,

The Veterans Memorial Bridge. They already have one in the area called The Veterans Memorial Bridge. We have a chapel here near Augusta which has been dedicated as a veterans' memorial.

I feel, too, that there is a little bit too much accent on Lewiston and Auburn. This bridge is a state affair. I worked for this bridge, not that I want my name on it, but I did work for it and various people all over the state worked for it because we felt that we needed an east-west connection through or bypassing the two cities in the central part of the county.

I worked for it in my area and I spoke for it here on the floor of the House. But without any feeling other than just giving a person his due, I charge anybody to find anyone in the State of Maine that did more in accomplishing the purpose of building that bridge than the gentleman across the aisle. And so I feel as Mr. Lynch feels, that I cannot vote for a minority report, which I feel came out entirely as a spite report. Consequently, I shall certainly oppose this minority report which is before us here.

On motion of Mr. Simpson of Standish, tabled pending acceptance of the Minority Report and tomorrow assigned as first Order of the Day.

On motion of Mr. Simpson of Standish,

Adjourned until 8:30 tomorrow morning.