

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, April 23, 1973

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

Prayer by the Rev. Mr. Donald Smith of Buxton.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Orders Out of Order

Mr. Willard of Bethel presented the following Order and moved its passage:

ORDERED, that Edward J. Willard of Princeton, New Jersey be appointed Honorary Page for today.

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

Mrs. Clark of Freeport presented the following Order and moved its passage:

ORDERED, that Albert Curtis, Bruce Foss and Scott Meyer of Freeport 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 John Bryant and Bowman Riley of Hallowell be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate:

Bill "An Act to Institute a Priority Program Budget System" (S. P. 592) (L. D. 1869)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10.

In the House, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds to Defend Lawsuits Pending Against the State of Maine on Behalf of Passamaquoddy and Penobscot Indians" (Emergency) (S. P. 346) (L. D. 1015) reporting "Ought not to pass"

In accordance with Joint Rule 17-A, was placed in the legislative files.

**Ought to Pass in New Draft
Tabled and Assigned**

Report of the Committee on Health and Institutional Services on Bill "An Act to Amend Definitions in Ambulance Service Licensing" (S. P. 170) (L. D. 425) reporting same in a New Draft (S. P. 591) (L. D. 1863) under same title 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.

(On motion of Mr. Goodwin of South Berwick, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 25.)

Ought to Pass

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Director of the State Crime Laboratory" (Emergency) (S. P. 446) (L. D. 1413)

Report was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to make any motion. When the Appropriations and Financial Affairs Committee met in Executive Session I was not present. I was called to be given a list of the bills that passed, had "ought to pass" and "ought not to pass" labels on them. I said I would go along with this bill but I reserved the right at the proper time to oppose it if I so wished.

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

Report of same Committee reporting same on Bill "An Act Providing Funds for Development of an International Conference Center on Peaks Island" (S. P. 381) (L. D. 1127)

Came from the Senate with the Reports read and accepted and the Bills pass to be engrossed.

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

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-year Term (S. P. 294) (L. D. 841) which the House indefinitely postponed on April 18th.

Came from the Senate with that body voting to insist on its former action whereby it was passed to be engrossed as amended by Committee Amendment "A", S-73 in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the House recede and concur.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Here is our first county tampering bill again. Last week we voted to indefinitely postpone this by a 2 to 1 margin on a roll call vote.

Now later on we will have a bill that clerks of court not be elected but appointed, and even later we will have a bill doing away with county government entirely. I am against all of these.

I hope you do not move to recede and concur so that I can make the motion to adhere.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I will be very brief about this because I think most members of the House remember the debate recently on this same topic. But I would like

to point out that this is an attempt by the State Government Committee not to discourage or hurt county government in any way but to improve it by providing for a little more professionalism by making the sheriffs a four-year term.

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

A vote of the House was taken.

27 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Ross of Bath, the House voted to adhere.

Petitions, Bills and Resolves

Requiring Reference

The following Bill, approved by a majority of the Committee on Reference of Bills for appearance on House Calendar, was received and referred to the following Committee:

Business Legislation

Bill "An Act Providing for a Maine Motor Vehicle Injury Compensation Plan and for Motor Vehicle Insurance Reform" (H. P. 1453) (Presented by Mr. Tierney of Durham)

(Ordered Printed)

Sent up for concurrence.

Orders

Mrs. Boudreau of Portland presented the following Order and moved its passage:

ORDERED, that for the remainder of the session the Members of the House, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Pages and Doorkeeper be permitted to appear on the floor of the House with their coats removed.

The Order was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was welcomed back by quite a few members this morning — they

could considerably change their minds.

You know, my voice carries a little bit, and I have been told by the Speaker — and I would suggest that the gentleman from Presque Isle, Mr. Parks not remove his coat as yet; the order hasn't been passed. My voice carries a little bit and it adds a little bit to the decorum of the House. On certain occasions, often, as a matter of fact, there is so much noise going on up back that we can't even hear ourselves talk. And going along with the philosophy that my good Yankee wife has that the only one who really enjoys the speech is the one who makes it, sometimes it is still annoying when you can't hear yourself talk.

But seriously, I am a firm believer in absolute decorum in this House. The lady whom I like very much from Portland, Mrs. Boudreau, knows how I feel about it. I am certain it was no surprise to her to see me on my feet this morning. I am not going to downgrade any other House in this country. But believe me, if you were to visit, as I have, several Houses and Senates throughout the country, you would appreciate the fact that this House enjoys the best decorum, the best behavior and the best mannerisms, which includes clothing, of any House in this country.

It was only last week that I saw some joker come in here with his hat on and I said, "Sonny, off with the dicer." He quickly understood. When I got him out back, first he told me it was none of my business and then I brought him out back for a little conference and he quickly changed his mind. It was either the window or the hat coming off, so he chose, it was quite high to go from the third flight.

In any event, I believe very very strongly in good decorum of this House. We have a lot of visitors that come here oftentimes and I just do not believe it is proper. It isn't because I happen to like clothes; that has nothing at all to do with it, coupled with the fact that I think this order is altogether premature because it is much too

early. I am still wearing a top-coat.

I do not think this order ought to pass. I am not going to make any motion because if I made a motion it would indicate that I am usurping the leadership. I think this is something for the leadership to take up and discuss. For instance, I happen to like the way the Speaker dresses, and I am sure that when he stands there for three or four hours, it gets warm. I suggest, Mr. Speaker, that it might be time for you to look into a white coat which would be proper.

I objected to personal friends who were speakers who just dressed with a plain tie and shirt. I do not like it because I think it took away from the decorum of this fine House. And, incidentally, this was taught to me by a great Republican by the name of the Honorable Harvey R. Pease who told me one time, "I do not want you to object too much because we are giving you the majority, a nice check, and a room which is warm and it is comfortable and your seat is comfortable." I believe in that philosophy. But seriously, I do not think this Order "ought to pass." I think this is something that the leadership ought to discuss, and I hope they decide in my favor. It is much too early anyway.

Thereupon, the Order received passage.

(Off Record Remarks)

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

Mr. SPROUL: Mr. Speaker, is the House in possession of House Paper 353, L. D. 468?

The SPEAKER: The Chair would answer in the affirmative. Resolve to Reimburse Berkshire Mutual Insurance Company for Damage to Property of Leonard Smith by Highway Construction, House Paper 353, L. D. 468, is in the possession of the House.

Mr. SPROUL: Mr. Speaker, I move we reconsider our action whereby this resolve was indefinitely postponed.

The SPEAKER: The gentleman from Augusta, Mr. Sproul, moves that the House reconsider its action whereby it voted to adhere.

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

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: I would like to point out that this bill came out of committee with a vote of 7 to 6 and apparently there was some discussion at that time as to whether or not the State of Maine was solely responsible for these damages or whether perhaps the water company or others might have been involved here. So I would like to have the opportunity to get this bill to at least a Committee of Conference, since the Senate has made a motion for concurrence on this resolve and I would like to at least get it to that position if the House would allow me to do that.

Mr. Cote of Lewiston requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Sproul, that the House reconsider its action whereby it voted to adhere. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Martin of Eagle Lake, the House voted to Insist and ask for a Committee of Conference.

Ought Not to Pass

Mr. Henley from the Committee on Veterans and Retirement on Bill "An Act Including Teacher Aides under Retirement System" (H. P. 650) (L. D. 866) reporting "Ought not to pass"

Mr. Henley from the Committee on Veterans and Retirement reporting same on Resolve Providing a Pension for Raymond E. Thurston of Union (H. P. 658) (L. D. 1060) (Emergency)

Mr. Henley from the Committee on Veterans and Retirement reporting same on Resolve Increasing Retirement Benefit for

Mrs. Nathalie Kinnear of Bristol (H. P. 849) (L. D. 1123)

Mr. Carrier from the Committee on Judiciary reporting same on Bill "An Act Relating to the Parole of Dangerous Persons" (H. P. 868) (L. D. 1156)

Mr. Henley from the Committee on Veterans and Retirement reporting same on Resolve Providing Additional Service Credit under the State Retirement System for Kenneth Newcomb (H. P. 872) (L. D. 1160)

Mr. Henley from the Committee on Veterans and Retirement reporting same on Bill "An Act Relating to Restoration to State Service" (H. P. 894) (L. D. 1181)

Mr. McKernan from the Committee on Judiciary reporting same on Bill "An Act Relating to Withdrawal from Participation in the Cumberland County Recreation Center" (H. P. 699) (L. D. 1213)

Mr. Henley from the Committee on Veterans and Retirement reporting same on Resolve Relating to Retirement Benefit for Frederick E. Freise of Portland (H. P. 1052) (L. D. 1370)

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

Leave to Withdraw

Mr. Connolly Jr. from the Committee on Legal Affairs on Bill "An Act Relating to Membership of Municipal Conservation Commissions" (H. P. 629) (L. D. 843) reporting Leave to Withdraw.

Mrs. Wheeler from the Committee on Judiciary reporting same on Bill "An Act Relating to Token Compensation for Work Performed by Residents of State Penal and Correctional Institutions" (H. P. 644) (L. D. 860)

Mr. Lawry from the Committee on Education reporting same on Bill "An Act Providing Funds for a Garage at Central Maine Vocational-Technical Institute" (H. P. 1023) (L. D. 1345)

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act to Increase the Number of

Members of the Augusta Parking District" (H. P. 822) (L. D. 1085) reporting "Ought to pass" in New Draft under new title "An Act to Increase the Number and Terms of Members of the Augusta Parking District" (H. P. 1451) (L. D. 1872)

Report was read.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Is it proper to pose a question to the Chair at this time?

The SPEAKER: The gentleman may pose his question.

Mr. McMAHON: I would ask if this is an amendment to the charter of this city?

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

The Chair recognizes the gentleman from Augusta, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The Augusta Parking District is a separate quasi-municipal corporation. It is not involved with the city government or the city charter.

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

Mr. Good from the Committee on Fisheries and Wildlife on Bill "An Act to Require a Stamp to Fish for Atlantic Salmon" (H. P. 863) (L. D. 1148) reporting "Ought to pass" in New Draft (H. P. 1452) (L. D. 1873)

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

Ought to Pass

Mr. Haskell from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Spruce Budworm Control. (H. P. 735) (L. D. 938) (Emergency) Reporting "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Silverman from the Committee on State Government on Bill "An Act Extending the Hours of the Maine State Library" (H. P. 1216) (L. D. 1571) reporting "Ought to pass" with Committee Amendment "A"

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-267) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act Repealing the Prohibition against Hitchhiking" (H. P. 385) (L. D. 514) reporting "Ought to pass" in New Draft under new title, "An Act Relating to the Prohibition Against Hitchhiking" (H. P. 1454) (L. D. 1875)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.

Messrs. PERKINS
— of South Portland
McKERNAN of Bangor
DUNLEAVY
— of Presque Isle
Mrs. WHEELER of Portland
Mrs. KILROY of Portland
— 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. CARRIER of Westbrook
GAUTHIER of Sanford
HENLEY of Norway
Mrs. BAKER of Orrington
Mrs. WHITE of Guilford
— of the House.

Reports were read.

On motion of Mr. Perkins of South Portland, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the

gentleman from Bangor, Mr. Murray, to the rostrum.

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

Divided Report

Majority Report of the Committee on Judiciary on Bill, "An Act Repealing the Statute Authorizing a Civil Action for Alienation of Affections" (H. P. 1136) (L. D. 1471) reporting "Ought to pass" in New Draft under New Title, "An Act Relating to Civil Action for Alienation of Affections" (H. P. 1455) (L. D. 1876)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
BRENNAN of Cumberland
SPEERS of Kennebec
— of the Senate.
Messrs. McKERNAN of Bangor
DUNLEAVY
— of Presque Isle
PERKINS
— of South Portland
Mrs. WHEELER of Portland
Mrs. WHITE of Guilford
Mrs. KILROY of Portland
Mrs. BAKER of Orrington
— 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. HENLEY of Norway
CARRIER of Westbrook
GAUTHIER of Sanford
— of the House.

Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary on Bill, "An Act Relating to Appointment of Persons to Act as Policemen on Property of the Vocational-Technical Institutes" (H. P. 980) (L. D. 1294) reporting "Ought to pass" as Amended by Committee Amendment "A" (H-268)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
— of the Senate.

Messrs. HENLEY of Norway
CARRIER of Westbrook
McKERNAN of Bangor
PERKINS
— of South Portland
Mrs. BAKER of Orrington
Mrs. WHITE of Guilford
Mrs. KILROY of Portland
Mrs. WHEELER of Portland
— 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. BRENNAN of Cumberland
— of the Senate.
Messrs. DUNLEAVY
— of Presque Isle
GAUTHIER of Sanford
— of the House.

Reports were read.

On motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-268) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

(H. P. 597) (L. D. 788) Bill "An Act Relating to Credibility of Witnesses" — Committee on Judiciary reporting "Ought to pass"

(H. P. 622) (L. D. 820) Bill "An Act Relating to Conveyance by Release Deed for the Penobscot Tribe of Indians" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-265)

(H. P. 1037) (L. D. 1357) Bill "An Act Authorizing Food Stamp Program for Certain Municipalities" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendment "A" (H-266)

(H. P. 1069) (L. D. 1394) Bill "An Act Allowing Municipalities to Insure Against Personal Liability of Their Officers, Officials and Employees" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 1257) (L. D. 1632) Bill "An Act Relating to Fees of Municipal Police Officers or Constables as Witnesses" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-264)

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

Consent Calendar Second Day

(H. P. 347) (L. D. 462) Bill "An Act Providing for Voluntary Continuance of Residence at Juvenile Institutions and the Military and Naval Children's Home for Program Completion Beyond the Age of 18 Years" (C. "A" H-243)

(H. P. 392) (L. D. 521) Bill "An Act Relating to Committees on Status of Women, Children and Youth, and the Aged"

(H. P. 625) (L. D. 823) Bill "An Act to Increase Fees for Motor Vehicle Inspection" (C. "A" H-244)

(H. P. 783) (L. D. 1020) Bill "An Act to Amend the Charter of the Freeport Sewer District" (Emergency) (C. "A" H-246)

(S. P. 373) (L. D. 1099) Bill "An Act Relating to Maternity Benefits for Unmarried Health Insurance Policyholders and Minor Dependents of Health Insurance Policyholders"

(H. P. 1116) (L. D. 1452) Bill "An Act Increasing Indebtedness of Eagle Lake Water and Sewer District" (C. "A" H-247)

(S. P. 518) (L. D. 1649) Bill "An Act Appropriating Funds for Expansion and Improvement of the Biddeford Municipal Airport" (Emergency) (C. "A" S-82)

(H. P. 1025) (L. D. 1347) Bill "An Act to Exempt House Parents at Boys Training Center from Law Dealing with Housing and Food Supplies Furnished by State Departments" (C. "A" H-262)

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

Passed to Be Engrossed

(H. P. 738) (L. D. 941) Bill "An Act Authorizing City of Portland to Levy Local Assessments for Snow Removal on Sidewalks"

Was reported by the Committee on Bills in the Second Reading,

read the second time, passed to be engrossed and sent to the Senate.

(H. P. 890) (L. D. 1177) Bill "An Act Relating to Vacation and Sick Leave Pay for County Employees"

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

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

Mr. GARSOE: Mr. Speaker, I move that the House reconsider its action whereby it indefinitely postponed Committee Amendment "A" to L. D. 1177.

The SPEAKER pro tem: The gentleman from Cumberland, Mr. Garsoe, moves that the House reconsider its action whereby it indefinitely postponed Committee Amendment "A" to L. D. 1177.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to postpone this motion for reconsideration in order to introduce House Amendment "A" filing number H-185.

In the original bill the County Government Committee objected to a provision in my bill which would allow — upon retirement, would allow county employees to collect unused sick leave. However, I got back to the county after they deleted this from my original bill and asked that it be changed to include only Cumberland County. My reasoning in this, I felt that allowing people to accumulate sick leave upon retirement might be an incentive to not have county officials use their sick leave in a rather frivolous manner. In other words, they would be encouraged to hold on to their sick leave until their retirement, and it would enable them to accumulate, in my amendment, up to 15 days sick leave after ten years of service, and up to 20 days sick leave after twenty years of service. I would ask that the motion to reconsider be defeated in order that I might present this amendment.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to solicit your favorable vote on this motion to reconsider. And it is pretty much as has been outlined by the gentleman from Portland, Mr. Mulkern. I am opposed, as I believe the Committee on County Government was opposed, to the principle of converting unused sick leave into cash. This would be enough for me to oppose it on; but in addition, this sets Cumberland County aside to be the only one to which this amendment would apply. I would just remind you that the Committee on County Government originally took this out of the bill. This House amendment that is proposed, if we don't change our action, is one that would make this applicable only to Cumberland County.

So, giving these reasons, I hope you find some degree of logic in it. This has not been budgeted, I don't believe it has been properly approached. And I would hope for your favorable consideration on the motion to reconsider following which I would propose that we readopt Committee Amendment "A".

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I failed to add on my speech previous to this that this move does have the approval of the county commissioners. I did speak to the head of the County Government Committee, and I have spoken to several of the members of the County Government Committee, and they support this amendment.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: The last day of the session, I rose to support this amendment on the assumption that not only the delegation but also the commissioners and everybody concerned was going along with this. I cannot, however, understand the attempt to circumvent the vote of the County Government

Committee. I am afraid that I will have to change my mind this morning and go along with the committee amendment.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that the House reconsider its action whereby it indefinitely postponed Committee Amendment "A" to L. D. 1177. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

On motion of Mr. Garsoe of Cumberland, Committee Amendment "A" (H-234) was read by the Clerk and adopted.

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

(H. P. 1001) (L. D. 1326) Resolution Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor

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

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-271) was read by the Clerk and adopted.

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

Second Reader

Tabled and Assigned

(H. P. 1073) (L. D. 1411) Bill "An Act Amending the Maine Tree Growth Tax Law".

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

Mr. Haskell of Houlton offered House Amendment "A" and moved its adoption.

House Amendment "A" was read by the Clerk.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: This amendment was necessary on this particular bill because of a piece of emergency

legislation which we accepted the committee report on earlier today; namely on the spruce budworm bill. Up to this time, the cost to the land owner of spruce budworm control, which has been shared by the federal government, by the state, by the land owner, the costs have been collected from the land owners through an increase in the mill rate each year as it came along. Well, after the passage of the Maine Tree Growth Tax Law, the mill rates are established, and there isn't this flexibility. So it became necessary to change the mill rate schedule in the Maine Tree Growth Tax Law for two reasons: First, to collect a mill and one half on an annual basis which would amount to \$360,000 for spruce budworm or other spray programs. Secondly, the estimates of the revenue to be derived from the Maine Tree Growth Tax Law fell short of the estimates by about \$600,000 on an annual basis.

So to restore the mill rate schedule back to the estimates and to allow for the collection from the landowner of their share of the spray program, it has been necessary to make the changes in the mill rate schedule contained in this amendment.

On motion of Mr. Dam of Skowhegan, tabled pending the adoption of House Amendment "A" and tomorrow assigned.

Second Reader

Tabled and Assigned

(H. P. 1440) (L. D. 1810) Bill "An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr."

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

Mr. Talbot of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-270) was read by the Clerk.

On motion of Mr. Binnette of Old Town, tabled pending adoption of House Amendment "A" and specially assigned for Wednesday, April 25.

(H. P. 1450) (L. D. 1870) Bill "An Act Relating to Utility Promotion and Advertising Expenses"

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

Emergency Measure Tabled and Assigned

An Act Limiting Sunday Harness Racing (H. P. 900) (L. D. 1188)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and specially assigned for Wednesday, April 25.)

Enactor

Tabled and Assigned

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

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

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

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

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

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Orland, Mr. Churchill, that this Bill be tabled pending the motion of Mr. Bither of Houlton to indefinitely postpone Committee Amendment "A" and specially assigned for Wednesday, April 25.

All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Passed to Be Enacted

An Act Amending the Uniform Flag Law. (H. P. 500) (L. D. 653)

An Act to Provide for Nomination of the Commissioner of Educational and Cultural Services after Consultation with the State Board of Education (H. P. 654) (L. D. 868) (C. "A" H-214)

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

An Act Relating to Advertising Costs in Processing Wetland Applications (H. P. 811) (L. D. 1074)

An Act Exempting Blind Property Owners from Real Property Tax (H. P. 1047) (L. D. 1366) (C. "A" H-215)

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 to Create a Commission to Prepare a Revision of the Probate Laws and the Administration Thereof (H. P. 1045) (L. D. 1373) (H. "A" H-217)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and tomorrow assigned.)

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

An Act Relating to Board of Trustees of Bath Water District (H. P. 1431) (L. D. 1789)

An Act Relating to Extending Open Season on Bear and Hunting Bear with Dogs (H. P. 1432) (L. D. 1790)

An Act Relating to Municipal Tax Base Sharing (H. P. 1433) (L. D. 1791)

An Act Increasing Reimbursement to Secondary School Students from Coastal Island for Board (H. P. 1434) (L. D. 1792)

An Act Prohibiting Hunting, Trapping and Fishing on Passamaquoddy Indian Land by Non-Indians (H. P. 1435) (L. D. 1793)

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 to Validate Land Title in the Wildlands (H. P. 1436) (L. D. 1794)

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

(On motion of Mr. Donaghy of Lubec, tabled pending passage to be enacted and tomorrow assigned)

Orders of the Day

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

Bill "An Act to Provide Free Choice of Practitioners for Visual Service under Health Insurance Contracts" (S. P. 257) (L. D. 754)

Tabled — April 19, by Mr. Maddox of Vinalhaven.

Pending Acceptance of either Report.

On motion of Mr. Trask of Milo, the Majority "Ought not to pass" Report was accepted in concurrence.

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

Bill "An Act Relating to Penalty for Burglary" (H. P. 206) (L. D. 279)

Tabled — April 19, by Mr. Simpson of Standish.

Pending — Motion of Mr. Farrington of China to insist.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: This bill has to do with breaking and entering and stealing from another. It provides for mandatory sentence. It provides also for no probation and no parole. I realize that you might think that this is quite a harsh bill.

First, we might ask ourselves the question, who is responsible to the public if those that we have given the job to do — apparently we find that the job is not being done. Whether or not it is because of

the laws or whatever the circumstances might be, we are today confronted with a very, very, very serious problem. People are afraid to leave their homes for fear that when they return their televisions may be gone, their worldly belongings may be damaged or destroyed.

I think this legislative branch this year ought to act in some manner to assure the public, the people of the State of Maine, that those who want to thrive on others by stealing, by breaking and entering, that we who represent the people do not care for this sort of thing and intend to do something about it.

I realize that those in the legal profession — and I will dare to mention lawyers — would not want to instruct the judges in what to do. But I think without any doubt that when it gets to the point, as it is now, where 40 percent of those who are in state's prison are there for the reasons of breaking and entering — would hasten to remind you that this is only a fraction of those who commit such crimes — it is time we spoke out and demanded that something be done.

I would like at this time to change my motion, if I may, and ask that we insist and ask for a Committee of Conference hopefully that something can be done.

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

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

Bill "An Act Relating to Lead Poisoning Control" (H. P. 474) (L. D. 621)

Tabled — April 19, by Mr. Carrier of Westbrook.

Pending — Motion of Mr. Dyar of Strong to accept Majority Report "Ought to pass"

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

Mrs. McCORMICK: Mr. Speaker, I would ask that this item lie upon the table for two more legislative days.

The SPEAKER pro tem: The gentlewoman from Union, Mrs. McCormick, moves that L. D. 621

lie upon the table for two legislative days.

Mr. Goodwin of South Berwick requested a vote.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Union, Mrs. McCormick, that L. D. 621 lie upon the table two legislative days pending acceptance of the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

93 having voted in the affirmative and 17 having voted in the negative, the motion did prevail.

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

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

Tabled — April 19, by Mr. Carey of Waterville.

Pending — Adoption of Committee Amendment "A" (S-75)

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 am not going to debate the amendment. I would like to point out on the fifth and fourth lines on the bottom of page one regarding the delegation of the power by the governing board, should be done "members of a governing board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision." I wonder if this gives the governing board an out later on if they don't have continuing coverage and exercise control.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the gentleman's question. I think he is looking at House Amendment "A" and it has not been offered as yet.

Committee Amendment "A" was adopted.

Under suspension of the rules the Bill was read the second time.

Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-269) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate in non-concurrence and sent up for concurrence.

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

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

Tabled — April 18, by Mr. Hoffes of Camden.

Pending Engrossment.

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

Mr. FARNHAM: Mr. Speaker, I now offer House Amendment "A" to House Paper 989, L. D. 1309 under filing number H-256 which has been reproduced and distributed, move its adoption and would speak briefly to the motion.

The SPEAKER pro tem: The gentleman from Hampden, Mr. Farnham, moves the adoption of House Amendment "A".

House Amendment "A" (H-256) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: Each session we have a number of bills wishing to make a legal holiday on someone's birth date or death date. This is the second bill before this session and it was the feeling that there is a limit to the number of court holidays, school holidays and otherwise legal holidays that we can have. This amendment would make Columbus Day a day of recognition on the part of the Governor who could call for observance in our schools and whatnot but would not mean a legal shutdown holiday.

I therefore hope the House will accept this amendment.

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

Mr. O'BRIEN: Mr. Speaker and Ladies and Gentlemen of the House: The sponsor of this bill is not in his seat today so I would hope that somebody would table this for at least one day.

On motion of Mr. Emery of Rockland, retabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

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

Tabled — April 19, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

On motion of Mr. Finemore of Bridgewater, retabled pending passage to be enacted and specially assigned for Wednesday, April 25.

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

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

Tabled — April 19, by Mr. Willard of Bethel.

Pending — Passage to be enacted.

On motion of Mr. Trumbull of Fryeburg, retabled pending passage to be enacted and tomorrow assigned.

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

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

Tabled — April 19, by Mr. Finemore of Bridgewater.

Pending — Adoption of House Amendment "A" (H-183)

On motion of Mr. Goodwin of South Berwick, House Amendment "A" was adopted.

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

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

Bill "An Act Changing the Form of Notice of the Department of Health and Welfare to Municipalities of Recipients of Public Assistance" (H. P. 1447) (L. D. 1867)

Tabled — April 20, by Mr. Immonen of West Paris.

Pending — Passage to be engrossed.

Mr. Immonen of West Paris offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-263) 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 tenth tabled and today assigned matter:

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

Tabled — April 20, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Mr. Stillings of Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-238) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I find it necessary to oppose the bill in spite of the fact that the amendments offered are supposed to take away some of the mandatory power that I think is implied within the bill.

The amendment softens the language some in the first four paragraphs. The sleeper is in paragraph five. If you will turn to your bill, you will find in the second line of paragraph five the word "shall" has not been removed. Now this is the important paragraph along with paragraph six. If the word "shall" had been taken out of all the paragraphs, I maintain that the bill would have been worthless because we still could do anything that the bill would recommend under our present statutes.

I move indefinite postponement of this bill. I have talked with the Deputy Attorney General consider-

ing the bill and he finds, or at least in our discussion he has told me the bill was very poorly drawn up. The language is poor. The meaning is very vague. I have a letter from the Deputy Attorney General, Mr. West, concerning this document, and I am offering it now because I think it will eliminate some debate.

"Dear Mr. Mahany:

Re: L. D. 1398 — An Act Act Relating to School District Reorganization

"You have asked me for an interpretation of the above legislative document. I think the best way to approach this problem is to try to analyze each paragraph.

"The first paragraph indicates the intent of the legislature that all administrative units shall have a school program from kindergarten through grade 12. It is also legislative intent for a school system to encompass four townships or a minimum of 1000 pupils wherever geographically possible. Note, this is legislative intent but does not state it as a law.

"This paragraph is a statement that efficiency of school operations may be done in one of four ways: a. School administrative districts b. Community school districts c. Union schools d. Cooperative agreements

"This paragraph again merely states legislative intent that school communities, school directors, and selectmen must cooperate in establishing feasible plans for carrying out the intent of the Act on or before July 1, 1974. Administrative units which do not meet minimum standards heretofore set out shall submit a plan or a proposal to the commissioner. The proposal shall include plans to increase the efficiency of school operation.

"This paragraph creates a problem. It speaks of units 'not meeting minimum standards set forth above' submitting proposals to the commissioner. It is unclear as to what are 'minimum standards set forth above.' It would appear that probably minimum standards are: a. Having a program from kindergarten through grade 12. b. Either encompassing

four townships, or c. A minimum of 1000 pupils.

"The last sentence of the third paragraph states that the proposal shall include plans to increase the efficiency of school operations. This must refer to the second paragraph in which it sets forth that efficiency of school operations may be achieved by one of four methods of operation of school. The two items do not necessarily mean the same thing. This creates a problem of interpretation.

"Paragraph 4 relates to units which enroll fewer than 500 pupils and is not geographically isolated. Such a unit shall continue annually after July 1, 1974 to submit plans for the consideration of the State Board and the local electorate. It does not indicate what plans are to be submitted to the State Board or to the electorate, but they are to be done each year."

You notice it is the only change which in one paragraph which comes up later is the change from annual to biennial.

"Paragraph 5. The commissioner is authorized to consult with local officials and recommend approval or disapproval of proposals to the State Board. He is further authorized to instruct local officials and call local elections to vote on the acceptance or rejection of such proposals. It does not indicate in this paragraph just what proposals it is talking about and to what extent the proposals relate to anything previously set forth in this bill.

"This paragraph further provides that the commissioner is authorized to determine the representation on the new local board if the local officials are unable to resolve the method of representation. No indication is given as to what the new local board is. The final sentence authorizes officials of municipalities to appeal to the State Board of Education if they are in disagreement with the decisions of the commissioner. This is a very broad statement and does not indicate what decisions are appealable. Presumably all decisions are covered by this sentence.

It is not possible in the short time allotted to make a brief

statement of the meaning of this bill. Very truly yours, George C. West, Deputy Attorney General"

Ladies and gentlemen, I think if you followed me in the reading of this bill, it proves the uselessness of the bill. I hope that you will support me in indefinitely postponing the bill.

Mr. Mulkern of Portland requested a vote on the motion.

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: As a signer of the "ought not to pass" report, the bill is drafted as mandatory legislation forming school administrative districts or similar school unions. I think we have had enough incompatible associations of towns who have gone into it and are in disagreement, the continuing squabble as to what should be going on. I think if you mandate four townships into a school administrative district you are asking for more trouble.

The SPEAKER pro tem: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, was a signer of the minority report. I seem to be in the minority quite a bit lately. But this bill was, before the amendment, completely mandatory. It said you shall do this, you shall do that. Now they have changed everything except the last paragraph to "may." For instance, and I would like to repeat, this is repeating something that Mr. Mahany from Easton, has said, but I would like to repeat in case all of you people, I know some of you people probably did not listen to him while he was reading that letter and you should have, because the letter tore that bill all to pieces.

There are two parts to this bill. One refers to any unit that has less than 1,000 pupils or a minimum of 1,000 pupils and less than four towns. The bill says that they shall encompass four towns and at least

4,000 students. Now the whole idea here is, first of all, mandatory, and secondly, the idea that bigness is goodness. That is not true.

I took a clipping from the paper some week or so ago where three of the national winners of the national awards were all from small schools. They were all from small schools. So bigness is not necessarily goodness.

Now, when you take the amendment and take the shell out of this first part, what does it do? Well, it does take the situation away from being mandatory, which is a good thing, but then there is no necessity for it at all because any two towns or four towns can do that now. Under the present law they can do that now. We could take half of that bill and throw it away, Mr. Speaker.

Now, the second part is a little stickler and that has still got "shall" in there. Any unit that enrolls less than 500 students, any unit with less than 500 students and is not geographically located shall continue annually, note the amendment says biennially. That helps a lot, you only have to do it every two years, and submit plans. And we asked at the hearing what happens if the plans are turned down or they don't make the right plans. Well, the next year you make another one and you submit a plan every two years but nothing has to happen. That is true. But the commissioner has a great deal of authority in here.

This section here where the school contains less than 500 pupils and not geographically isolated must get together with some other school and make plans. Now, this affects — I don't know how many schools this affects, I did not have time to study it this weekend and I know one town it affects, it affects the town from which Mr. Mahany comes, Easton. Easton has less than 500 students. I think they are very pleased with their situation as it is now. Maybe they should join with Fort Fairfield and maybe they shouldn't. This bill requires that they do something like that.

I do not think the bill is good, I am against mandation, and this is mandation pure and simple. I

go along with Mr. Mahany very definitely when he says to indefinitely postpone this bill. I don't think it is necessary. This is just another example of bills that we pass occasionally that are unnecessary. This is another example — and before the week is out, before too long you are going to get more about mandation. I am telling you, somebody, I think some little men way down in the subbasement somewhere are making some plans to mandate schools and everything else. I am telling you, you have got to stay right on your toes or somebody is going to get mandated.

We have another bill coming up in a few days that I want to talk about too along this same line.

Mr. LaPointe of Portland requested a roll call vote.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to this bill and the main reason that I am opposed, I have seen towns that are now hauling children in the rural district. A little child starting in kindergarten leaves home at six o'clock in the morning. That child is the last one to come home at night, not getting home until six at night. This little child is so tired that it cries all the evening, it can't sleep at night. I am against anything like this at all, consolidating these. And when the time comes that they tell us we must have four schools in the consolidation that I am in, we have three schools, we do meet this number, but we would have to have another one. We are certainly having problems enough now as it is. If we lose all the rights we have to someone who is going to dictate to us, we are becoming socialistic, communistic. I hope you will go along with the indefinite postponing.

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

Mr. LAWRY: Mr. Speaker, Members of the House: Being in such great company on the minority "ought not to pass" report, I thought I would just have to say a word. I go along with

their thinking 100 percent, but I would like to add one thing. I think if we pass this bill we are just going to give the department one more opportunity to harass the small towns. I hope that we go along with Mr. Mahany's motion to indefinitely postpone this bill.

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

Mr. STILLINGS: Mr. Speaker, Members of the House: I would like to address myself to the aspect of the bill which has been discussed by several this morning. That it is mandatory. It is, in fact, not mandatory. It was not mandatory before the amendment was offered, it will not be mandatory if the amendment is adopted. The two shells that were taken out in the amendments were simply statements of legislative intent. This does not require mandatory school districting.

The question was raised as to how many units would be affected in the event this bill were to receive passage. There are 288 units operating school systems in the state at the present time. Fifty-six of those units operate no schools at all. They simply pay tuition for their elementary and secondary school pupils. They have no say in the curriculum policy of the school, teachers' salaries and so on. There are an additional 71 units operating schools with fewer than 250 pupils in grades K through 12. By cooperative efforts, most of these units could provide better educational opportunities at both the elementary and secondary levels. There are 35 units with enrollments between 250 and 500. There are 28 units in operation with enrollments between 500 and 1,000.

It was my feeling and the feeling of the Subcommittee of the Legislative Research Committee that prepared this bill, did the research, that educational programs can be improved and this bill provides a vehicle whereby local officials can look at their educational programs and can submit plans to the people for a vote where improvement seems feasible. The bill simply provides a vehicle to encourage good planning and good school organiza-

tion, with the decisions being left in the hands of the local people. All it does is say that "neighbors look, you ought to sit down and talk about your schools."

There are four methods of organizing administrative units. They are already in the statutes and this bill suggests that one of these four be considered in the plans as they are presented to the commissioner.

I would also like to point out that there are really two kinds of schools the bill addresses itself to; number one is the school where there are fewer than 1,000 pupils, and what the bill says is that you submit a plan once. If you have fewer than 500 pupils with the amendment that is before you you would submit a plan every two years.

The SPEAKER pro tem: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Members of the House: I would like to state further that these four possible operations that might be used it speaks of in the bill, and I also read in this letter and the gentleman from Berwick mentioned, you use any one of those four operations at the present time under our present statutes. You don't need this bill to be able to form an administrative district or community school districts or union schools or cooperative agreements, you can already do that. If you do not want it to be mandatory you can sit down and talk to the local people at the present time and with the Commissioner of the Department of Education.

That has not changed and the amendment that is offered by the gentleman from Berwick has not changed anything along that line. He did soften those mandatory aspects in the first four paragraphs. However, the sleeper, as I said, is in the fifth paragraph, and that one has not been taken out or changed. I will read it to you: "Furthermore, any unit which enrolls fewer than 500 pupils and is not geographically isolated shall continue annually, after July 1, 1974, to submit plans for the consideration of the State Board and the local electorate." Now, the

word that has been changed by the amendment offered is "annually" to "biennial." To go on further to the back page of the bill, "The commissioner is authorized to consult with the local officials and recommend approval or disapproval of the proposals to the State Board. The commissioner is further authorized to instruct local officials to call a local election to vote on the acceptance or rejection of the proposals. If the local officials are unable to resolve the method of representation of the new local board within the statutory provisions, the commissioner is authorized to determine the representation on the basis of the latest Federal Decennial Census. Officials of municipalities may appeal to the State Board of Education, under section 51, if they are in disagreement with the decisions of the commissioner."

The last paragraph regardless of the amendment is mandatory. There is no getting away from it. That is what I object to. I don't mind redistricting schools or forming Sinclair districts or whatever you might want to call them, administrative districts or unions, if it is done in a logical, sensible manner without being forced. But the last paragraph here certainly gives the commissioner a lot more authority than I like to see him have.

I am not opposed to school districts if they do not create a hardship on the parents and on the children and sometimes in the past I think we have. Forming a school district I think you should weigh what you gain against what you have to sacrifice. And many times in the past some towns have sacrificed a whole lot when they joined the administrative district. I think that has happened enough times when these things can be done by the vote of the people. Now with the mandatory clause, which I am afraid this is, it could happen still more often. I hope to go along and indefinitely postpone this bill.

At this point Speaker Hewes returned to the rostrum.

Speaker HEWES: The Chair thanks the gentleman and thanks him for an excellent job.

Thereupon, Mr. Murray returned to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: A point of order.

The SPEAKER: The gentleman pose his point of order.

Mr. FINEMORE: We have a motion before the House to adopt a Committee Amendment. This is the only thing debatable at this time, is it not?

The SPEAKER: The amendment must be acted upon before a motion to indefinitely postpone the entire bill can be accepted. We are discussing the amendment that was offered by the gentleman from Berwick, Mr. Stillings.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I agree wholeheartedly with what Mr. Mahany says. I would go one step beyond this. I would ask any member of the Education Committee or the sponsor of the bill, what is going to prevent the Commissioner of Education to change past decisions on isolated school systems?

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

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: To answer the gentleman's question, the Commissioner can do no more under this bill than he can under existing law.

The SPEAKER: The pending question is the adoption of House Amendment "A". All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

Mr. Mahany moved that the Bill and all accompanying papers be indefinitely postponed.

Mr. Kelleher of Bangor requested a roll call vote.

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

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

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I would simply like to remind you that the intent of the original bill was to mandate the school administrative districts or similar unions in four Maine townships or a minimum of one thousand pupils. Now that is going to take some mandation. The amendment substitutes the carrot for the club but the intent is there just the same. It is an attempt to get larger school units whether you want them or not and school administrative districts whether you like them or not regardless of the amount of transportation involved.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I do not like mandation any better than anyone else in this body, but I would point out that what this mandates is that the citizens in these various communities will be required to consider the situation, not any preconceived notion as to whether they will approve it or not. For this reason, I support the action.

The SPEAKER: The Chair recognizes the gentlelady from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the

House: As far as I can see, the only mandation, just as Mr. Garsoe said, is that they consider, and I feel that any condition which causes people to talk to each other is good. I think that this bill ought to pass.

The SPEAKER: The pending question is on the motion of the gentleman from Easton, Mr. Mahany, that this Bill "An Act Relating to School District Reorganization," House Paper, L. D. 1398, and all accompanying papers be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berry, P. P.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Cameron, Carter, Churchill, Clark, Connolly, Cooney, Cottrell, Curran, Dam, Davis, Donaghy, Drigotas, Dunn, Farley, Fecteau, Finemore, Fraser, Good, Goodwin, K.; Hamblen, Hancock, Haskell, Herrick, Hoffses, Hunter, Immonen, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Knight, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Norris, O'Brien, Palmer, Parks, Peterson, Pontbriand, Rolde, Rollins, Shaw, Shute, Simpson, L. E.; Smith, S.; Soulas, Sproul, Strout, Theriault, Tierney, Trask, Trumbull, Walker, Webber, Willard, Wood, M. E.

NAY — Baker, Briggs, Brown, Bunker, Bustin, Carey, Chick, Chonko, Cressey, Curtis, T. S., Jr.; Emery, D. F.; Farnham, Farrington, Ferris, Flynn, Garsoe, Gauthier, Goodwin, H.; Hobbins, Huber, Jackson, Lewis, J.; MacLeod, McKernan, Morton, Murray, Najarian, Perkins, Pratt, Smith, D. M.; Stillings, Susi, Talbot, Tyndale, Wheeler, White.

ABSENT — Binnette, Carrier, Conley, Cote, Crommett, Deshaies, Dow, Dudley, Dunleavy, Dyar, Evans, Faucher, Fahagan, Genest, Greenlaw, Henley, Hodgdon,

Jacques, Kilroy, LaCharite, Littlefield, Maddox, McNally, Ricker, Ross, Santoro, Sheltra, Silverman, Tanguay, Whitzell.

Yes, 83; No, 36; Absent, 30.

The SPEAKER: Eighty-three having voted in the affirmative and thirty-six in the negative, with

thirty being absent, the motion to indefinitely postpone does prevail.
Sent up for concurrence.

On motion of Mr. Birt of East Millinocket,

Adjourned until 8:30 tomorrow morning.