

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 27, 1973

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

Prayer by Father Royal J. Parent of Eagle Lake.

The journal of yesterday was read and approved.

Papers from the Senate Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Maine Development Act" (S. P. 536) (L. D. 1756) reporting that the same be referred to the 107th Legislature.

Signed:

MINKOWSKY
of Androscoggin

CLIFFORD
of Androscoggin

SHUTE of Franklin

—Committee on part of the Senate.
GAHAGAN of Caribou

CURTIS of Orono

LYNCH
of Livermore Falls

—Committee on part of the House.
Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence and the Bill referred to the 107th Legislature.

Orders

Mr. Perkins of South Portland presented the following Joint Order and moved its passage:

WHEREAS, the right of Maine citizens to initiate legislation by process of petition was added by amendment to the Constitution of Maine in 1873; and

WHEREAS, there are statutory and constitutional procedures which must be observed to properly exercise this constitutional right; and

WHEREAS, doubts have been recently cast as to the validity of procedures used in the preparation, circulation and verification of petitions; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research

Committee is authorized and directed to study the petition process pursuant to the Constitution of Maine for the express purpose of recommending all necessary changes in the law, rules or regulations which would tend to safeguard against future abuse of this constitutional process; and be it further

ORDERED, that the committee report the result of its study at the next special or regular session of the Legislature. (H. P. 1644)

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

Messages and Documents

The following Communication:

STATE OF MAINE

One Hundred and Sixth Legislature
Committee on Judiciary

June 25, 1973

Hon. Richard D. Hewes
Speaker of the House
House of Representatives
State House

Augusta, Maine

Dear Speaker Hewes:

I am pleased to report that the Joint Standing Committee on Judiciary of the 106th Legislature has completed its assigned duties, and the following is a resume of the work placed before this Committee, indicating the action taken on these matters.

Total Bills Received	263
Referred from other Committees	2
Unanimous reports	199
Divided reports	64
Leave to Withdraw,	42
Unanimous	
Ought to Pass, 49 Unanimous, 38 Divided.	
Ought to Pass as Amended, 47 Unanimous, 26 Divided.	
Ought to Pass in New Draft, 16 Unanimous, 9 Divided.	
Ought Not to Pass, 44 Unanimous, 62 Divided.	
Referred to other Committees, 1 Unanimous.	
Number of Amendments	72
Number of New Drafts	25
Public hearings were held on 42 Legislative days, and Executive sessions — 40.	

I wish to take this opportunity to recognize the most valuable

work performed by our Law Clerk and Committee Clerk.

Signed:

Sincerely,

ETHEL B. BAKER

House Chairman

Committee on Judiciary

The Communication was read.

The SPEAKER: Before this communication is accepted, the Speaker would like to praise the Committee on Judiciary which handled 263 bills, which I believe is a record for any one committee.

Thereupon, the Communication was ordered placed on file.

Second Reader

Later Today Assigned

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 417) (L. D. 1378) (C. "A" S-127 as amended by Senate "D" (S-266) thereto, Senate Amendment "C" (S-181), Senate Amendment "D" (S-206), Senate Amendment "E" (S-214), Senate Amendment "F" (S-235), Senate Amendment "G" (S-241).

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

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I said I would present an amendment today, but I find that this bill which is rather a bulky document has already been engrossed twice and rather than delay the proceedings, I have a commitment from the Department of Education that they will notify all school administrative units, all school boards, that L. D. 1112 is unconstitutional and hopefully that will prevent a lot of court battles until we can come back in January and correct this situation. If there is any question as to what the bill is, I would be glad to identify it.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I believe that yesterday we were going to have maybe a member of the Education Committee explain to us some of the substantive changes that are in this

bill, including some of the amendments that came down from the Senate, and I know that there are some. I have one real good one here if I can find my amendment. I can tell you this, it is in Senate Amendment "D" to the Committee Amendment and it is section 52-D, which authorizes the commission to give direct subsidy — no, it is in 52-A. I would like to know from the Education Committee, what is the meaning of the addition in there where it says, "or any projects which have been approved by the commissioner." This to me can be read two ways and if I read it the way I hope it is maybe not interpreted, the commissioner would be given some almighty powers that I don't particularly want him to have.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I believe the gentleman is asking the effect of the language in the amendment regarding projects which have been approved by the commissioner. The intent of this legislation is that the language refers to projects which have been approved, which means approved prior to this date. It does not give the Commissioner of Education the right to approve new school construction projects. That can only be done by the State Board of Education.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and later today assigned.

Passed to Be Enacted Emergency Measure

An Act to Extend the Deadline for Mandatory Shoreland Zoning (H. P. 1538) (L. D. 1968)

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. 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws (S. P. 635) (L. D. 2008)

Finally Passed

Resolve to Locate the Public Lot in Township 2, Range 6 W.B.K.P., Franklin County (S. P. 193) (L. D. 538)

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

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

Passed to Be Enacted

An Act to Amend the Land Use Regulation Commission Law (H. P. 627) (L. D. 851)

Was 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.

An Act Providing for a State Lottery (H. P. 1507) (L. D. 1938)

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

Mr. Shaw of Chelsea 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 Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I have no plans to debate this at any length. As a matter of fact, I have no wish to really influence you one way or another,

but I would think that I am doing less than my duty as an elected representative of the people that sent me here if I did not get up and say that I think that this is economically, not necessarily morally wrong, but economically a very poor deal because about the only one in a state such as the State of Maine, both economically and in size, the only one to really get anything out of this are the people who sell the tickets and the computer people who sell you the machinery to do it with and the printers who print the tickets.

When all the expenses are paid, I just can't believe and no one has shown me where we are going to get \$10 million out of it. I realize that in many areas of the state they feel differently about this morally and so forth, and if some people go out of state, this is their business, I am not going to try to stop them. I can assure you that very few of the people that I represent will get together a pool and send over to New Hampshire today or will they send very far even if this is put into effect in order to participate in a lottery. We just don't have the money to do it. They have to worry about breakfast the next morning. They have to worry about whether the roof leaks or not, and we all do not have the benefits that our red brethen have at Pleasant Point and Peter Dana Point, with their \$25,000 houses. As a matter of fact, if you compare it with New Hampshire where we are supposed to be sending so much down, their total take from Massachusetts, New Hampshire and York County, evidently from some of the debate that we have heard here, they only make \$1,400,000 in New Hampshire, so I question the economics of this. As far as the morality, you decide for yourselves; I will let my people decide for themselves.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I hate to see the State of Maine go into the gambling business. We are in the liquor business and all we have to do is look around and see what that

has done to some of our people. I really feel strongly about this.

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

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I spoke on this when it was before the legislature the first time, as many of you may remember. I will not belabor the point today. I am definitely opposed to this legislation for several reasons, several reasons that have already been stated.

First of all, I believe that it would attract elements in our society that we do not need in Maine, and I am speaking primarily of big time gambling interests and more especially organized crime. I think we only need to look at the State of Nevada for an example of what gambling can lead to, and I do not think that Maine with its reputation for outdoor recreation as vacationland needs to turn itself into a strip such as Las Vegas, and I feel to open up the state to gambling interests would lead in this direction.

As the gentleman from Standish said, gambling is a disease, it is unproductive. As the gentleman from Pittsfield pointed out, the people who will be buying the majority of the lottery tickets are people who can least afford to do so, people who are not wise in managing their financial resources, people who do not know how to handle money. We will be aggravating our welfare problems, we will be aggravating many of the social problems that this legislature and past legislatures have been trying to correct.

I was a little bit surprised at the gentleman from Bath, Mr. Ross, the other day as he compared the state lottery with the stock market. As a matter of fact, in my opinion, this comparison is absolutely ridiculous. The stock market is not a lottery. The stock market is a financial institution which is not designed for people who are not wise money managers. Revenues in the stock market encourage jobs and industry throughout the country. To stimulate investment in the stock

market is to stimulate business. It has a direct financial bearing on the welfare of this country. The lottery —no such thing.

I would certainly hope that you would vote against passage of the state lottery. I believe that this is an area that the State of Maine would be very unwise to go into at this time, and I would hope that you would use very good judgment this morning by voting against the state lottery.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker and Members of the House: I have spoken several times in favor of this bill, and I am still in favor of it. Yesterday, I believe, we passed a bill here favoring games of chance at various agricultural fairs and so forth. That is simply a lottery, maybe under a different name.

In regard to the good gentleman from Rockland, Mr. Emery, in regard to low income people spending their money on lottery tickets, I think a lot of us here have gone to bingo games and seen people with low incomes spend from five to six and more dollars a night on so-called bingo or beano which strictly is a lottery or game of chance. I cannot see how any member of this House can vote against this when it is going to the people, their constituents, to decide. If they are not in favor of it, all they have to do is go to the polls in November and vote against it. I urge you all to strongly support this bill.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly shall not speak long about this, because I spoke at length just the other day.

The state is already in the gambling business. Now, this has been talked about for many years, but people throughout the state have never had the chance to vote on it. This would be the first chance.

The gentleman from Rockland, Mr. Emery, mentioned the stock market and how this wasn't a

gamble. I rather doubt, then, if he has been following the stock market very closely in the last few months, because I personally know very many people of moderate means who have lost nearly all they had by fooling around without the proper advice in the stock market.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I all along have thought of a lottery in this state or any other state as just building a trap for the economically unsophisticated, a means whereby to a high degree we will be recycling welfare dollars. I don't think it will lead to any good.

I have always thought of our State of Maine as a high-class operation, and I think that adopting a lottery besmirches that reputation for Maine. I hope that you vote against the bill.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to this lottery bill. I want you to stop and think, and in the referendum this fall, regardless of what we do with the package, there will be a number of constitutional changes on that referendum; and think of it, sandwiched in with that will be a bill to legalize more gambling.

Now, we have always been told that when you legalize gambling, you drive the racketeers out of the business. What is happening in the pari-mutuel field? The gamblers are into it head over heels, horses are doped, races are crooked, anything at all to make an illegal dollar goes on.

When you legalize gambling, then you lead people to think that the gambling which is still illegal, how can it be illegal when some gambling is legal.

I hope that we do strike some sort of a moral tone in this legislature today and defeat this bill. Stop and think, it was buried ten feet deep at one time, but by skillful adroit — I guess I hadn't better

say it, maneuvering, it is back before us.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I have supported this bill. We are not legalizing gambling here today, all we are giving is the people a chance to vote to legalize gambling, if they so desire.

I am appalled at the gentleman from Pittsfield, Mr. Susi, being against this bill, he having had his loaf of bread and doesn't want anybody else to have any.

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

Mr. GENEST: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, there has been reference made here several times that this would encourage organized crime. I can show you proof in the states of New Jersey, Pennsylvania, and New York where this has actually been a deterrent to organized crime. The legal lottery has actually been a deterrent to organized crime.

We are not talking about a slipshod operation here, this is a modern, computerized lottery. The only people who handle the money are the agents, and the money is delivered directly to the banks. Nobody in the commission handles any money, just figures.

With reference to the statement that has been made also here several times that it is the people who can least afford it, I haven't seen anything to prove that statement. Nobody has come out with any facts to prove it.

With regard to welfare dollars being recycled, I know for a fact that there are some welfare dollars being recycled at the race track right now.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: With regard to this bill, I am not a gambler. I am too tight to do that.

I don't agree with my good friend from Pittsfield Mr. Susi.

He has a pretty good idea, but by the same token, you have gambling at the races. Nobody can deny that. You have beano, that is gambling in another way, and as representative Ross said in the stock market, I guess that is the high-class gambling. As far as this is concerned, I don't see how we, as legislators, are going to control the morals of people. We are not going to tell them what to do or what not to do. We will let the people decide for themselves.

I think by having that out for referendum, they will let us know whether they want gambling or not. I think the state will benefit by it if they do have it. According to the bill, the state will receive 55 per cent of the take, the other 45 per cent will go for prizes. So I don't think the state is going to be hurt any. I certainly hope that we will defeat that motion.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I definitely support letting this go out to the people for a vote. Many people in my area have contacted me, and they have done this in the past and asked why doesn't the State of Maine have a lottery.

It will be surprising after this vote is taken by roll call to compare the vote how the people voted in the House when it came to the bill that was under the misleading title of an Act to Limit Sunday Harness Racing, which Mr. Susi so strongly supported.

The SPEAKER: Would the gentleman confine his remarks, please, to the bill before us which is the state lottery bill.

Mr. DAM: All right, the state lottery bill—as it was said by the representative from Pittsfield that welfare money would go into this. Well, we have just ended up four weeks of harness racing in Skowhegan, and I can assure you that I saw welfare money being spent at the track in Skowhegan. Now, we are on welfare money right now.

There was not much opposition to any of the gambling bills we have had in this session. The beano

bill passed, the Sunday racing bill passed, and I am sure that most every member in this House is guilty of breaking the gambling laws, because I know that the Republican party, in some parts of the state, have run their little raffles, as well as the Democratic party. Only they don't call them raffles, they sell five tickets for a dollar, but they call it a donation. All right, this is gambling, we all gamble. We gamble to contribute to the party, so why not allow the people to gamble to have a chance to win a little money? And if the people on welfare are going to take and play the lottery, at least some of it is coming back to the state just as it does on the horse racing tracks. So it is not going to change the picture any. The only thing it changes is who gets the pie or who doesn't get the pie, and that is what I think we are deciding here today.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker, Ladies and Gentlemen of the House: I probably am going to touch on a little bit different idea, but this morning sitting in the Fishermen's Grill, it happened to be across from the place where I had gone home to see a crew go to work this morning before I came back; there was people sitting along on both sides of the counter, and they said to me what is the trouble with you legislators, are you afraid to turn out something so we can vote on that lottery bill? I made up my mind when I came down that I wasn't going to be afraid, I am going to vote for it and let them have a chance to vote to give them the opportunity.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We have been debating the lottery bill in the legislature for the past five sessions to my knowledge. The whole crux of this thing here is whether the people want a lottery or not. There is nothing wrong with sending this out to the people and

let them vote on it and decide this question once and for all.

The SPEAKER: The pending question is enactment of L. D. 1938. All in favor of final enactment of L. D. 1938 will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brown, Bunker, Bustin, Carey, Carter, Chonko, Churchill, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Evans, Farley, Farrington, Faucher, Fecteau, Ferris, Flynn, Fraser, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, Huber, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, Knight, LeBlanc, Lewis, E.; Lynch, Martin, Maxwell, McCormick, McHenry, McKernan, McMahan, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trumbull, Walker, Wheeler, Whitzell, Wood, M. E.

NAY — Baker, Berry, G. W.; Birt, Bragdon, Brawn, Briggs, Cameron, Carrier, Chick, Clark, Curtis, T. S., Jr.; Donaghy, Dunn, Emery, D. F.; Farnham, Fine-more, Gahagan, Good, Hamblen, Haskell, Henley, Hunter, Immonen, Jackson, Kelley, Lewis, J.; Littlefield, MacLeod, Maddox, Murchison, Palmer, Shaw, Shute, Silverman, Simpson, L. E.; Sproul, Susi, Trask, Tyndale, White, Willard, The Speaker.

ABSENT — Cressey, Greenlaw, Herrick, Hoffses, Kelley, R. P.; LaCharite, LaPointe, Lawry, Mahany, Morton, Sheltra, Webber.

Yes, 97; No, 42; Absent, 12.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-two having voted in the negative, with twelve being absent, the motion does prevail.

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

Order Out of Order

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

WHEREAS, on the 24th day of June, Sergeant Larry Smith of Phillips was senselessly slain with another while on duty by a vanishing gunman; and

WHEREAS, Sergeant Smith, son of Ralph H. and Mildred (McMillan) Smith of Phillips was a medical corpsman at Seymour Johnson Air Force base hospital when fatally shot; and

WHEREAS, the Legislature is saddened by this mad and brutal act which has taken the youthful life of a Maine citizen; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 106th Legislature of the State of Maine now assembled, pause in our deliberations to extend our deep and sincere sympathy to Mr. and Mrs. Smith on the tragic loss of their son and our understanding to all others who share this irrevocable loss; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to the family of the deceased in respect to his memory. (H. P. 1645)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

Orders of the Day

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

Bill "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731) (H. "A" H-584).

Tabled — June 26, by Mr. Simpson of Standish.

Pending — Further consideration.

House passed bill to be engrossed as amended by House Amendment "A" (H-584), Senate insisted on their action whereby they accepted the Leave to Withdraw as covered by other legislation report.

On motion of Mr. Simpson of Standish, tabled pending further consideration and later today assigned.

On motion of Mr. Simpson of Standish,

Recessed until the sounding of the gong.

After Recess

The House was called to order by the Speaker.

Supplement No. 2 was taken up out of order by unanimous consent.

Non-Concurrent Matter

Later Today Assigned

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040) (H. "E" H-600) which failed passage in the House on June 26.

Came from the Senate finally passed in non-concurrence.

In the House: Mr. Simpson of Standish 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 final passage. This being a constitutional amendment, a two-thirds vote of those present and voting is necessary. All in favor of final passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Bither, Briggs, Brown, Bustin, Chonko, Clark, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hamblen, Haskell, Henley, Hobbins, Huber, Immonen, Jackson, Jacques, Knight, LaCharite, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McKernan, McMahon, McNally, McTeague, Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Theriault, Tierney, Trask, Tyndale, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Binnette, Birt, Boudreau, Bragdon, Brown, Bunker, Cameron, Carey, Chick, Churchill, Conley, Cote, Curran, Dam, Davis, Deshaies, Donaghy, Dunn, Dyar, Evans, Farrington, Fecteau, Finemore, Good, Hancock, Herrick, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, McHenry, Merrill, Mills, Morin, L.; Mulken, O'Brien, Parks, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Sheltra, Shute, Silverman, Sproul, Stillings, Strout, Talbot, Tanguay, Trumbull, Walker, Wheeler, Willard.

ABSENT — Carrier, Carter, Cottrell, Cressey, Dow, Dudley, Faucher, Fraser, Greenlaw, Hoffses, Kelley, R. P.; LaPointe, Lawry, Webber.

Yes, 72; No, 65; Absent, 14.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-five in the negative, with fourteen being absent, the motion does not prevail.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Even though I voted no, I am voting on the prevailing side, so I now move that we reconsider our action whereby this bill failed of final

passage and I hope you vote against me.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House reconsider its action whereby this Resolution failed of final passage.

Thereupon, Mr. Simpson 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 Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: This has been something that is more than political maneuvering. I hope that you will not change your vote, you will stand firm on your present findings and will.

I listened to a television program the other night from a meeting here in the State House in which it said that a certain survey that had been made bordered on the unethical. I am wondering if some of the things that are being done here today and have been done over the last couple of days, because of short sightedness and not necessarily because of dishonesty are not bordering on the criminal.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lubec has raised some serious charges. I would suggest that he outline them and tell us exactly about each one of them, and it ought to be done on the floor so that everyone in this House and everyone in Maine is aware of what they are.

The SPEAKER: The gentleman from Eagle Lake 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 and Members of the House: I see no need of it at this time.

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

Mr. ROSS: Mr. Speaker, I would now like to withdraw my motion for reconsideration.

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

Mr. MARTIN: Mr. Speaker, I object to the request for withdrawal of the motion and I ask for a division and I ask you to vote no.

The SPEAKER: The Chair would state that a roll call has been ordered.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to answer any questions because none have been put to me, but I do know this, that since Monday morning this whole sheet of measures has been gone over by the Appropriations Committee, and they have been marked in the areas that they would be taken care of. I consider the Appropriations Committee a group of men of integrity. I consider the House chairman of the Appropriations Committee of extremely high integrity. I consider the Senate Chairman not only of extremely high integrity but also a personal friend, he just left here, to tell me that he is not interested in to much dillydallying about this situation here.

I think frankly, however, that the arm twisting is a fair enough shake, and certainly I would not be above saying that there were times when I have done a little arm twisting on my own in 30 years.

But in all honesty, Mr. Chairman, for the second time, you failed miserably of getting two-thirds, and as far as arm twisting is concerned I could feel it from my hospital bed yesterday in Lewiston 30 miles away. So we

have got somewhere along the line to start thinking of going home. Now you are a long way from home on that board. I have lost some bills, I lost one that was quite close to me, as a matter of fact, it was my bill naming something after me that I killed myself. I don't moan and groan and reconsider it, and then reapply and then go over there and come back here and back over and back here. It just went, that is all.

Let's let this thing go. It is costing us \$14,000 a day to try to accomplish something we are not going to accomplish anyway. I am not accusing anybody of anything. But I will tell you this right now, and I will tell this to the young man from Eagle Lake, Mr. Martin, I almost got my arm pulled off 30 miles away from here, and that is a long ways from here.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do vote against the motion to withdraw. I would like to at least state my position in maybe some of the accusations and charges, in fact some of those which I still believe are unanswered. I think some insinuations were put on here, and I have heard some comments and some pretty strong comments in what has taken place in the hall. If anything, I would say that the proponents to this measure, including some of those who would be involved if the package passed, have been involved in some pretty erroneous statements, job offers, and four year terms for Senators built into this package and the things that are in it and the things that aren't in it.

If you look at the package, you look at the statutory portion of it, you look at the resolve based on the constitutional amendment, I think you will find that it is just as it reads, it is completely above board. It was thoroughly discussed in both caucuses, I believe, I know it was in mine. I think it has been very fairly debated on this floor, and I believe the facts that have been put out on the floor and

in the caucuses are facts and they are factual. I hope that you believe that, I hope that you realize it.

The Appropriations Committee met and put some priority rating on the Appropriations Table. I have been present three times at meetings now since that time when the leadership has met to decide the Appropriations Table and which bills would get funded and which bills wouldn't.

Please bear in mind that the leadership has that entire decision, and the priority ratings that the Appropriations Committee put on there are guidelines but in no way are final until the leadership acts and then the bill is either enacted or those that aren't come back into this body for debate.

Three times we have gone into a leadership meeting, and three times the motion has been made and passed that the Appropriations Table would not be used to pass this measure, and therefore we have decided not to take any action on it for that one reason.

I would submit that I believe there are some copies of the Appropriations Committee priorities that have been floating around these halls and around this floor with a story, "See what is happening to your pet bill?" Well ladies and gentlemen, that hasn't happened to that pet bill yet, and it won't until the leadership takes the action. If your bill passes or fails, you can come then to the leadership and take it out on us, but don't take it out on us by false accusations until such time comes along.

I still hope that you will vote no on the motion to withdraw.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that he be allowed to withdraw his motion to reconsider. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 94 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Bath, Mr. Ross, that the House reconsider its

action whereby this Resolution failed of final passage.

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

Mr. ROSS: Mr. Speaker and Members of the House: I only want to say now that all these motions are made, I hope you vote against mine.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I have been going over these figures here kind of quickly. We cast 137 votes, 73 in favor of enactment, 64 against. Now we have got to take these figures 92 to 45 to come out to the same amount and the same number of people votes. We have got nothing to worry about on this because if you don't reconsider, then the same motion is before the House again, shall this resolution pass? We will come up with the same thing again, so let's just vote and get it over with, no more hard feelings or anything.

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

Mr. MARTIN: Mr. Speaker, I move this lie on the table until later in today's session.

Thereupon, Mr. Dunn of Poland 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 Eagle Lake, Mr. Martin, that this matter be tabled until later in today's session pending reconsideration. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Berube, Birt, Briggs, Brown, Bustin, Chonko, Clark, Cooney, Cottrell, Crommett,

Curtis, T. S., Jr.; Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Huber, Immonen, Jacques, Knight, LaCharite, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McKernan, McNally, McTeague, Morin, L.; Morin, V.; Morton, Murray, Najarian, Norris, Perkins, Peterson, Pontbriand, Rolde, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Theriault, Tierney, Tyndale, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bither, Boudreau, Bragdon, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Connolly, Cote, Curran, Dam, Davis, Deshaies, Donaghy, Dunn, Dyar, Evans, Farrington, Fecteau, Finemore, Fraser, Hancock, Henley, Herrick, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, McMahon, Merrill, Mills, Mulkern, Murchison, O'Brien, Palmer, Parks, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Silverman, Sproul, Stillings, Strout, Talbot, Tanguay, Trask, Trumbull, Walker, Wheeler, Willard.

ABSENT — Carter, Conley, Cressey, Dow, Dudley, Faucher, Hoffses, Kelley, R. P.; LaPointe, Lawry, Webber.

Yes, 71; No, 69; Absent, 11.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-nine in the negative, with eleven being absent, the motion does prevail.

Non-Concurrent Matter Later Today Assigned

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to

Provide for an Annual Rather than a Biennial State Budget. (S. P. 661) (L. D. 2021) Emergency, which failed of emergency enactment in the House on June 26.

Came from the Senate passed to be enacted in non-concurrence.

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

On motion of Mr. Birt of East Millinocket,
Recessed until two o'clock in the afternoon.

After Recess
2:00 P.M.

The House was called to order by the Speaker.

Supplement No. 3 was taken up out of order by unanimous consent.

Messages and Documents

The following Communication:

STATE OF MAINE

One Hundred and Sixth
Legislature

Committee on Labor
June 20, 1973

The Honorable Richard D. Hewes
Speaker of the House
of Representatives
House Chamber
State House
Augusta, Maine
Sir:

The Committee on Labor is pleased to report the completion of that business of the 106th Legislature that was placed before this committee.

Total Number of Bills Received	79
Ought to Pass	9
Ought not to Pass	10
Ought to Pass as Amended	20
Ought to Pass in New Draft	6
Divided	15
Leave to Withdraw	18
Referred to Special Session or Next Legislature	1

Respectfully,
Signed:

BROOKS BROWN, JR.
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
One Hundred and Sixth
Legislature
Committee on Taxation

June 26, 1973

Honorable Richard D. Hewes
Speaker of the House
State House
Augusta, Maine 04330
Dear Speaker Hewes:

It is a pleasure to inform you that the Committee on Taxation has considered and acted on all matters referred to it by the One Hundred and Sixth Legislature.

Following is a list of bills as reported out of committee.

Total number of bills received	98
Ought to pass	20
Ought to pass in new draft	9
Ought to pass as amended	6
Ought not to pass	25
Divided reports	23
Leave to withdraw	15
Total number of bills referred from another committee	1
Ought not to pass	1
Total number of bills received pursuant to joint order	1
Divided report	1

Sincerely,

Signed:

ROOSEVELT T. SUSI
House Chairman

The Communication was read and ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crisis. (H. P. 1627) (L. D. 2043) which was enacted in the House on June 25.

Came from the Senate indefinitely postponed in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Provide a Subsidy to Communities with Private School Enrollments" (S. P. 685) (L. D. 2047) which was indefinitely postponed in the House on June 25.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-260) in non-concurrence.

In the House:

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

Mr. SIMPSON: Mr. Speaker, I move we adhere.

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

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

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House recede and concur.

Thereupon, Mr. Finemore of Bridgewater requested a roll call vote.

Thereupon, Mr. Finemore requested permission to withdraw his motion for a roll call vote which was granted.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Martin of Eagle Lake 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 Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I can't seem to find S-260 in my files. Will somebody please explain what this does?

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

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

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

House: To answer the question, this amendment simply limits the subsidy to these towns for transportation of the students.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: This particular bill is the bill that we had in here since last Friday that came in very unceremoniously maybe or very ceremoniously - I don't know how you want to look at it. But this last in the session, I believe the action of this body today is what we should have done, and therefore I believe that we should adhere.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: One of the problems that we have with existing subsidy laws is the fact that those areas that have schools that are not public institutions in those communities that are picking up the cost of paying for the transportation expenses, they have to bear the entire cost. As you all know, back in 1961, or 1963, and I can't remember which but it was before the time that I came to this body, the legislature voted to allow - and that has been approved of by the Supreme Court of the United States - the right and the option of the state and the towns to transport children to and from parochial or private schools to their homes.

What has happened, of course, is that when that transportation has taken place, it has been borne entirely by the residents of that municipality.

For those of us that are members of a school administrative district, for example, as in my case, the state picks up almost one hundred percent of all the cost of transportation of all children. I think that it is certainly fair that the cost of transporting other children ought to be directly paid by the state.

The way that this amendment is drafted, if it were ever to become law, as I understand it, it would apply and would specify that the state will reimburse the

municipality the cost that they bear from their municipal budget for the cost of transporting children to and from the school, which of course is not the public school. I view that as an approach which I think is entirely proper which we are doing now, and it seems to me in a small way an attempt to help these municipalities.

Also, some people have raised the issue of whether or not this is constitutional. As I understand it now, this has been ruled constitutional by the United States Supreme Court and this is not a problem. Because as I understand it, this specifies and applies to the transportation of children, and I might point out that these are all children of the State of Maine. I see nothing wrong in our receding and concurring here today.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: A question to anyone who might answer. What would be the cost to the state if we should go along in this direction? Could anyone answer that question?

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

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

Mr. LaCHARITE: Mr. Speaker, I believe I am correct, and someone may correct me, but I believe the cost is \$648,000.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berube, Binnette, Bither, Boudreau, Brown, Bunker, Bustin, Carey, Carter, Chonko, Clark, Conley, Connolly, Cote, Crommett, Curran, Curtis, T. S., Jr.; Deshaies, Dow, D r i g o t a s, Evans, Farley, F a r r i n g t o n, Faucher, Fecteau, Ferris, Fraser, Gauthier, Genest, Good, Goodwin,

H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Keyte, Kilroy, L a C h a r i t e, LaPointe, LeBlanc, Lynch, Mahany, Martin, M a x w e l l, McKernan, McMahan, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Ross, Santoro, Sheltra, Smith, D. M.; Smith, S.; Susi, Talbot, Tanguay, Theriault, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bragdon, Brawn, Briggs, Cameron, Chick, Churchill, Dam, Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Finemore, Flynn, Gahagan, Garsoe, H a m b l e n, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McHenry, McNally, Merrill, Mills, Morton, Murchison, Norris, Palmer, Parks, Pratt, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Carrier, Cooney, Cottrell, Cressey, D u n l e a v y, Kelleher, Kelley, R. P.; Lawry, McTeague, Soulas, T i e r n e y, Webber.

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

The S P E A K E R : Seventy-two having voted in the affirmative and sixty-seven in the negative, with twelve being absent, the motion does prevail.

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

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

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 417) (L. D. 1378) (C. "A" S-127 as amended by Senate "D" (S-266) thereto, Senate Amendment "C" (S-181), Senate Amendment "D" (S-206), Senate Amendment "E" (S-214), Senate Amendment "F" (S-235), Senate Amendment "G" (S-241).

Tabled — June 27, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The particular amendment that I questioned this morning, we have checked with the Department of Education, and in essence it stated that once school construction projects were submitted to the commissioner for approval through the Department of Education, after they have complied with all the requirements that they have to, then the money would be released. The portion that I questioned was the wording. I am satisfied with it, but I do believe that we should make a note in the record to the fact that this is only to apply to those schools which were approved by the commissioner prior to the bills which did state that they had to meet certain criteria and it is not intended that it be future approvals of the commissioner only.

Mr. Shute of Stockton Springs offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-609) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken to the sponsor of the amendment and told him that at the present time I didn't think that this body should adopt this amendment for two reasons. First of all, I did not present the amendment this morning that would have corrected an unconstitutional act enacted by this legislature earlier in the session. Second, the amendment itself, I think, would be very disruptive to school administrative districts, because if you look at it, it says 10 percent of the number of voters voting for gubernatorial candidates at the last state-wide election in a municipality.

This, I think, would be very disruptive in that we have a number of school administrative districts in the state that are having problems and to allow a

small minority in a small community to disrupt the activities and the conduct of the school system I think would place any school administrative district at a disadvantage. Furthermore, I think that the thing ought to be more thoroughly discussed and thought over than at the closing days of the session.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The reason I am presenting this amendment now is that about a month ago or five weeks ago I presented two amendments to the Education Committee to consider to put in their errors and inconsistency bill, and this is one of the amendments. The other amendment had to do with busing of students. I was assured by the committee at that time that these two amendments would be included in the errors and inconsistency bill, but after going over the bill and the amendments, I found that neither one of these amendments were in it.

At the present time, the people of the district do not have any right to call a special district meeting to act on any article such as they do at the municipal level where 10 per cent of the voters can call a special town meeting.

I talked this over with the Department of Transportation and the Department of Education said they could not see anything wrong with this amendment, that they were trying to bring school administrative district laws into conformity with the municipal laws. So the only thing that this amendment would do is to give the people, if they could get 10 percent of the people of the municipality to initiate a petition, the right to call a special district meeting to act on certain articles. They don't have this right now and I think they should have.

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

Mr. BITHER: Mr. Speaker and Members of the House: I sort of agree with the gentleman from

Stockton Springs, Mr. Shute, that perhaps this would do no great harm. On the other hand, it could do a good deal of harm. But I think this late in the season, this bill, the errors and inconsistencies of the education laws has already been pre-engrossed.

I understand the people down there in the department have already been pulling their hair out in regard to this. It has been a long, complicated process. This would have to be done completely over again, and it is the opinion of some experts that we would be delayed one whole day at \$14,000, and I don't believe this amendment is worth that. I think we can take care of it. It is true, the schools will be starving next September, but in the next special session I think we can take care of it to Mr. Shute's satisfaction.

I move, Mr. Speaker, that this House Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from Houlton, Mr. Bither, moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: If you will take a look at the Education errors and inconsistency law, there are about eight different amendments on the errors and inconsistency bill. Now that bill has been around here for some time, but not one opportunity has been offered for any House amendments to be put on this bill. Any amendments that are put on this bill have been put on in the Senate or the other body, and I think this body should be co-equal with the other body, and why shouldn't the House members have the same opportunity to put amendments on bills that they do in the other body?

As I told you before, I offered these amendments to the Education Committee about six weeks ago. There is no reason why they couldn't have been included in this bill when it was presented, but this morning I find out from some of

the members of the Education Committee that why not let it ride along, we are getting along towards the end of the session, they pre-engrossed the bill, why don't you just forget it this time? It was something we overlooked and why don't you bring it back next session?

I hope you won't indefinitely postpone this amendment. We are still going to be here at least another day I know of, and there is ample time to engross this bill.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday afternoon we asked for an explanation of this from the Education Committee, not only this particular amendment we have before us, but the Senate amendments, and as yet we have had absolutely no explanation from the Education Department. It could cost the taxpayers of the State of Maine far more than \$14,000 that we are worrying about if we have some of these errors they will amount to more than \$14,000. And I have seen some of the things. For instance, today we have just started on its way through here something that is going to cost the taxpayers over \$600,000, I think it was \$648,000 it was testified to, something that has never been before the committee, has had no public hearing, and yet here we have it before us and we are enacting it in the final hours of the session.

Now in case the Education Committee doesn't happen to know what can be done, I recommend to them looking over the good work of the committee headed by, as far as the House is concerned at least, the good lady from Orrington. On the Judiciary we have here point by point an explanation of what they are trying to do in their errors and inconsistency bill. I think we can expect no less in anything as important as education.

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

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

House: I would have spoken to the sponsor of this amendment except that I heard the amendment wasn't to be offered. My first experience in this language came four years ago when I was up here to testify against a similar bill. At that time the intent of this language was to enable a certain percentage of the voters to overturn certain actions that had been taken by various directors of the various school districts. I don't think it is consistent to call this an appropriate error or inconsistency, because I heard no testimony at that time, and I have heard none today that would indicate that we have errors or inconsistencies that this language would change.

The function of a board of directors is pretty well laid out by state statute, and I can't for the life of me think of any worthwhile activity or any worthwhile purpose that language of this type would serve. Would it be to overturn the decision of the board of directors to hire a certain teacher or to introduce a certain course of study? If that were the effect of it, I think it would be bad. We have directors elected by the people to operate the school system consistent with state law, and I think that we would do very well to turn this amendment down.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House: I agree with the gentleman from Cumberland, Mr. Garsoe. I think we ought to turn down this amendment today. It is definitely not an error or an inconsistency in the present law.

I would like to point out that we had a bill before our committee this year that was similar to this which received a 17-A from the committee. That bill would have required that two-thirds of the membership of every town or school board members be at every union or school district meeting, which would mean that one town if one of their members or one or two of their members didn't show up, then the system couldn't hold a school board meeting.

I see this amendment as doing similar things. It allows one town to get 10 percent of the people that voted in the last gubernatorial election to cause or could cause a district to come to a halt. They could request every single decision that the school board made to come back and have a special meeting. I think that the present law allows where 10 percent of the people in every town would request a meeting, that they have of this method presently, and I don't think we should put in a law book where possibly a small town of a couple hundred people who might only have had 50 people vote in the last gubernatorial election, that means they would need only five to ten signatures, and could bring a school district pretty much to a halt.

I don't believe that we here should be taking that action today. This is definitely a change in the law, it is not a clarification, and I think that if the gentleman from Stockton Springs would like such a statute, maybe we ought to consider an L. D. the next session.

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

Mr. DYAR: Mr. Speaker and Members of the House: The last two speakers have refreshed my memory, because I was the sponsor of two bills in the 104th, one that the gentleman from Cumberland Mr. Garsoe has referred to, and one the previous gentleman has referred to, two separate bills.

The bill Mr. Garsoe spoke on which I sponsored would allow members in the municipality of the school district to petition a special school board meeting or school district meeting to iron out certain problems. The bill went fairly well in committee, there was a lot of opposition to it, school board members and the Department of Education was rather mute until after the hearing was over.

I think the main thing then, the objection was that this piece of legislation would open up a can of worms and the hierarchy in the Department of Education certainly didn't want the people at local level to get into the educational scene.

So, if memory serves me correct, that bill came out under 17-A or something similar to it.

The previous gentleman has referred to another bill which had a different concept to it. The second bill which was passed, modified down by amendment, would allow the people within the school administrative district to form a petition of 10 percent to introduce an article into the warrant to be acted on at a school budget meeting.

There is a distinct difference between the two bills I sponsored, and there certainly is a distinct difference in the discussion here this afternoon between the two gentlemen.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to oppose this particular amendment on its substance alone. The gentleman from Bangor, Mr. Murray, has described it pretty well, but just let me draw you a picture, ladies and gentlemen. We are talking about a school administrative district with perhaps 5,000 registered voters, and this can be comprised of towns anywhere from 2,500 registered voters down to 300 registered voters. Can't you just picture a town with say 500 registered voters, 250 of whom went and voted in the last election, 10 percent of that would be 25, that is less than two-tenths of one percent of the total registered voters in the whole district.

This is going way too far on the ability to initiate changes. Ten percent of all the voters in the district in each community is a reasonable figure. I hope you will defeat this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Bither, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

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

Order Out of Order

Mr. Goodwin of South Berwick presented the following Order and moved its passage:

ORDERED, that Stuart and Jean Kerr of Hightstown, New Jersey, be appointed Honorary Pages for today.

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

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

Bill "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731) (H. "A" H-584).

Tabled — June 27, by Mr. Simpson of Standish.

Pending — Further consideration.

(House passed bill to be engrossed as amended by House Amendment "A" (H-584), Senate insisted on their action whereby they accepted the Leave to Withdraw as covered by other legislation report.)

On motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

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

Resolution Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the

Governor shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040) (H. "E" H-600).

Tabled — June 27, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Ross of Bath to reconsider a c t i o n whereby the Resolution failed final passage.

The SPEAKER: The C h a i r recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to take, or I would like to take and go over some of this and explain it out, two or three reasons. One of them is, I have heard a lot of comments in the corridor, some of which a r e legitimate complaints and others that I think were c o m p l e t e misunderstandings. If there are any further questions I think that possibly they can be answered either by myself or some of the other members who have worked on this.

I think probably I have put as much work, as I said yesterday, as much work as anybody on this particular piece of legislation. Frankly, I have come to convince myself that over a period of time — this goes back over several years in developing some of this philosophy — that this today is as good a piece of legislation as could be devised to be able to come before this House and have at least any degree of consideration by members of both parties.

We are faced today I think — and this is one thing that bothers me a great deal — we are faced with several real serious problems. The first one is in the area of apportionment, on which I guess I probably have spent more time than I should have, but I seem to have become interested in it and it has been an i n t e r e s t i n g experience working on it.

I have before me here a ruling from the Attorney General dated January 5, in which I asked the question, what would be the latest date possible to reapportion the House of Representatives? And the ruling says that since the House was last apportioned in January 1964 in Maine Public Laws of 1963,

Chapter 233, effective January 17, 1964, the legislature must under the present constitutional provisions complete its apportionment before January 16, 1974.

I have also a Supreme Court ruling, it came to us a couple of days ago, in which it says in the very last page of it, and you could find this several places through this document also, that while they have answered question number one, which is whether the apportionment that was submitted to them, which is L. D. 984, fell within the guidelines of the equal protection clause of the 14th Amendment of the United States Constitution and also similar provisions in our own Supreme Court that the extremes in this were beyond any maximal allowance in even the latest Federal Supreme Court decision which has relaxed some of these provisions. They answer this question whether it would be possible to do it, whether the apportionment as relates to k e e p i n g representative districts within counties and whole municipalities as prescribed in Article 4, Part first, sections 2 and 3 of the Constitution of Maine as permissible under the equal protection clause of the 14th Amendment of the Constitution of the United States or the equal protection clause of Article 1, Section 6-A of the Constitution of Maine?

While they have answered question number one in the affirmative, the qualifications of the House Apportionment Committee report d e m o n s t r a t e s that a constitutionally p e r m i s s i b l e reapportionment of the House of Representatives is unattainable as a practical matter in the foreseeable future so long as the method of reapportionment as relates to keeping representative districts within counties and whole municipalities as prescribed in Article 4, Part first, Sections 2 and 3 of the Constitution of Maine remains in effect.

Now as I read this and put this whole picture together, at the present time it is completely impossible to apportion the Maine Legislature. By the 17th of January we have got to do it. The Supreme Court says that it can't be done

under the present constitution. We have no possible constitutional provision which allows us to do it.

Now this bill that we have before us that we are presently considering does have an equitable method of apportioning the Maine Legislature. It was drawn last week by a commission that worked on this last summer. The majority of the commission approved this plan; it allows the crossing of county and municipal lines, and is written into it a commission to do the job preferred of the legislature. It does have protections in it as far as the minority party is concerned in that it requires two-thirds of the legislature before it can become law, and also it makes provisions for moving it further up the line for a review in case that it cannot or does not obtain the necessary support in the legislature.

It also allows the same thing to be done by the Senate. It is true that it reduces the size of this House by some numbers in 1984. I think that this has come to the point where I can accept the fact that this is reasonable, and it sets the House and Senate up on a three to one ratio. This does make a good deal of sense.

The annual sessions of the legislature are something that we are presently doing. I think one of the most interesting provisions in there, it does allow legislation to be referred from one session to the other through study committees, something that presently is not being done, and something that I find in many many of the reports that I have seen from the research committee over the years, has much good studying been done there, and still when they get all done because there is no effective legislation come out of that committee, a lot of these reports have been found valueless and have gone down the drain.

The other part that I would like to seriously consider is the legislative council. Many people here feel strongly one way or the other on the legislative council.

I have spent a lot of time thinking on the legislative council and the Executive Council. I have

supported it in every legislative session since I have been here, but I have been doing it with more and more reservations all the time.

In 1965 I proposed the change whereby the minority party, whichever one it was, would have representation on the council. I introduced that legislation in four sessions of the legislature and every time it got only a minimum of consideration. But I think during that time there has been a slow deterioration in the feelings of the people towards the Executive Council. It is my own feeling that when any particular agency of government reaches a point where it does not have the confidence of a great majority of the people, and I am sure if the legislation to abolish the Executive Council was sent to the people today it would pass with an overwhelming vote. When we find that any particular agency has reached the point where people have lost confidence in it, I think the government should then give serious consideration to making some changes in how that agency of government will operate.

The legislative council, as I pointed out yesterday, does things that very few other legislative councils or any form of confirming body in the United States does, including the United States Government. Most all of it is invested in one House, mainly the Senate. In this case here, both the House and Senate will have opportunities to have input and make decisions on what or who will do the confirming.

Now just how much work is this legislative council going to have? From my evaluation of it, after the first three weeks in January the amount of work that it is going to have is very minimal. As was pointed out very excellently by the gentleman from Farmington, Mr. Morton, many of the programs and functions of the council have outlived their usefulness, they are taken care of mostly in the statutory provisions that we will have before us in the companion bill which follows this one.

I don't think that the legislative council is being given undue powers. I can't convince myself of this, I think the amount of

confirmation that they will have to do will not be excessive. I don't think that the amount of work that they will have to do will be excessive.

Frankly, all the way through this I see nothing that I can find objectionable. Most of the rest of the language in here is just cleaning up the Constitution in areas which we will find relate to confirmation. We do find other minor changes that have been put in here. If you want an explanation of that, that the following of the guidelines of the United States Constitution, the Chief Justice will swear in the Governor. It has always been by the president of the Senate, but this will bring the court in so that we will have all three branches of government involved in the development of our inauguration and installation of the Governor.

I hope that you will give serious consideration to this this afternoon, that you will give serious consideration to the problems involved if we don't do something in this area and that possibly this can become law.

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

Mr. DYAR: Mr. Speaker, Members of the House: This is the first time I have arisen to speak on governmental reform this session. I have addressed the Republican caucus on this matter, and I wouldn't be in my seat this afternoon if I hadn't been complimented within the last hour and a half. The compliment which I overheard is not hearsay. It is that I was the major roadblock in the Republican party to block governmental reform. Now, if they had said I was a stumbling block rather than a roadblock, I might be seated at the present time.

I feel that I was elected to represent the people of my district and the people of the State of Maine. I have been a Republican all of my life. I have served the Republican party. My wife has served the Republican party, and I feel that I know the thinking of the people at grass roots.

I suggested to leadership in the presence of others last Friday

afternoon that we had at least 30 Republican votes against this package and possibly 45, that we would have the help of at least 20 Democrats in holding up this package. I will not say that I was laughed at, but I was possibly left in the position of scorn. I was wrong, there was 69 rather than 65 votes.

I suggested that we compromise on this bill, that one simple amendment that I thought would guarantee passage at this time rather than see the whole package go down the drain. This compromise was to amend this resolution and this resolve to the point where we would elect the members of the governor's council. Now, I stand here this afternoon in my own ignorance to again make the statement that I feel, as an individual, that one simple amendment to elect the members of this council from the districts that they represent and we can pass this package.

I still maintain that if we hold out and try to pass this bill as written — this resolution and this resolve as written at the present time, there is going to be very little change in vote.

Now, I have stated in Republican caucus, the Republican State Committee brought Republicans from grass roots level into the Civic Center here in Augusta where there was seminars held on this governmental reform package. These people were county chairmen, town chairmen, finance chairmen and workers within my party, and I think if they read the message on that Saturday, they would realize the majority of Republicans, some 800 or 1,000 Republicans gathered in Augusta that day said they did not want to abolish the governor's council and replace it with a legislative council. I think they will find the majority were willing to see the governor's council elected. So, all I am asking this afternoon is rather than see this entire package go down to defeat is a simple amendment be presented to elect the members of the governor's council.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I feel that I must speak. I really do not want to. I am not prepared like I wish I might be. Representative Ross has given me a pattern of short, precise, intelligent presentations. When I first came up here, I tried to follow that pattern.

I feel that I must speak. Maybe I am too much of a traditionalist and fundamentalist. I would like to be known as a teacher of history and government rather than anything else. I tried to get the kids in my classes to say a prayer every morning thanking their creator that they were born in this great country.

Now, as to this particular matter, it really tears my conscience. I want to be loyal to my party, I want to be loyal to the country, and I want to be loyal to myself. I can agree with most of the things in this package. As I say, I am a traditionalist. I hate to see us eliminate the council. Other states have, but the council was originally set up to exercise the control over the power of the royal governor and at that time, of course, we only had a few colonies.

New Hampshire has retained it, Massachusetts has retained it. They fought great battles to get our constitution into being, and just because other states do not have the council, it is no strong reason for me to object to it. I object to this idea of annual sessions as long as we can have annual budgets.

We are only a million people. We don't have to follow the patterns of other states under the guise of proposed, hopeful reform. This biennial budget to me has always been a problem. I know that probably 60 per cent of the people don't even know the meaning of biennial budget and so forth and so on.

Single districts don't bother me. You might say I am an old man, I don't care whether I am re-elected or not, but the situation in Portland to me is irrational. When you — well, let me say this first. As Representative O'Brien, my dear friend from Portland, has

pointed out, the used car dealer stands ahead of us in the opinion of the populace, and to me, in our Portland situation presenting the electorate with a choice of picking 11 out of 22 candidates is expecting too much of the electorate. I happened to be on the Reapportionment Committee in 1963 when after the Supreme Court decision, we were forced to reapportion. From my understanding of the Supreme Court decision in Portland, we wouldn't have to cut Portland up into 10 pieces of pie. We could — where we have six wards that are population wise equal, following our council example, we could have one representative from each ward and four at large if it ever came to this, and I don't think the court would disapprove of that. As I say, the districting is not the big problem in my little mind, because too, the Democratic party has come of age, and I think they can stand on their own feet and compete with anybody in this state.

I could hope that we might postpone this until the Special Session to work out these things. Many times in the guise of reform and ideas and we are challenged, let's do something new just because it is new, it is untried. It know some have said that we are making history today. I hope that we can make good history. It goes through my mind that Patrick Henry, Patrick Henry: "Give me liberty or give me death." Yet, he fought against the constitution in Virginia, and because of his great efforts, it was almost defeated. Then Ben Franklin, an old man like myself, getting up after they got the constitution to present to the people said, "None of us are satisfied, none of us, but it seems to be the best thing we have got; and maybe as time goes on, we can correct the things we don't believe in now." So that is where I am.

Now, I would rather postpone it, but I will say this: First of all, I will vote against this today. Number two, if it is my vote that determines whether this is going to be in being, I will go along with it. That is about the end.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I gave specific reasons why I opposed this bill, and there is no sense in debating the merits which, in my opinion, are not many anyway. I believe we should do to this what was done with a man called Sam McGee. He left the south to search for gold in the Yukon. Like some people here who are searching in vain for a nonexistent Utopia in the way state government should be reformed.

Sam was not feeling good and he was always cold, and one day the dogs were fed, and the stars o'erhead were dancing heel and toe.

He turned to me, and "Cap," says he, "I'll cash in this trip, I guess;

And if I do, I'm asking that you won't refuse my last request."

Well, he seemed so low that I couldn't say no; then he says with a sort of moan:

"It's the cursed cold, and it's got right hold till I'm chilled clean through to the bone.

Yet 'tain't being dead — it's my awful dread of the icy grave that pains;

So I want you to swear that, foul or fair, you'll cremate my last remains."

A pal's last need is a thing to heed, so I swore I would not fail;

And we started on at the streak of dawn; but God! he looked ghastly pale.

He crouched on the sleigh, and he raved all day of his home in Tennessee;

And before nightfall a corpse was all that was left of Sam McGee.

On I went, though the dogs were spent and the grub was getting low;

The trail was bad, and I felt half mad, but I swore I would not give in;

And I'd often sing to the hateful thing, and it hearkened with a grin.

Till I came to the marge of Lake Lebarge, and a derelict there lay;

It was jammed in the ice, but I saw in a trice it was called the "Alice May."

And I looked at it, and I thought a bit, and I looked at my frozen chum;

Then "Here," said I, with a sudden cry, "is my cre-ma-torium."

Some planks I tore from the cabin floor, and I lit the boiler fire;

Some coal I found that was lying around, and I heaped the fuel higher;

The flames just soared, and the furnace roared — such a blaze you seldom see;

And I burrowed a hole in the glowing coal, and I stuffed in Sam McGee.

Then I made a hike, for I didn't like to hear him sizzle so;

And the heavens scowled, and the huskies howled, and the wind began to blow.

It was icy cold, but the hot sweat rolled down my cheeks, and I don't know why;

And the greasy smoke in an inky cloak went streaking down the sky.

In my opinion, this would be a fine solution today for this entire package.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: One of the things I think that we all realize in the field of political involvement, that there are times when we have to agree to disagree and at times agree to make compromises and at times to change our position when we think we may be right but in the future may be proven wrong. It is awfully difficult for us to know whether or not we are making the right decision, and I fully agree with all of you who feel and have hesitations about voting for and also against this package.

One of the things that interested me, however, was the fact that except for the gentleman from Strong, Mr. Dyar, very few individuals have raised a specific objection as to what they would like to see changed in order for them to vote for this particular package or vote against it. I would like to pursue that point, because I think it is an important one. It is one where it is possible in this

world of compromise that we just could arrive at one of those which could, in effect, give us legislative reform and would change what we think we ought to do.

I am interested in the comments that he made, and I wonder if I could pose a question to him if he would care to respond. I got, I guess, from what the gentleman was saying that he felt that confirmation as devised from this package ought to be handled by someone else than the legislative council. I am not particularly married to that council. I don't see that as necessarily being the save-all, and I would like to ask the gentleman if he was saying that what we ought to do is to have a group of men either elected by this body to do legislative confirmations or secondly, to have a group of men elected by the people to handle confirmations and further, whether or not we would be talking about those confirmation powers that are presently outlined in this package being given to the legislative council.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Strong, Mr. Dyar, who may answer if he wishes. The Chair recognizes that gentleman.

Mr. DYAR: Mr. Speaker, Members of the House: In reply to the gentleman from Eagle Lake, Mr. Martin, it was quite obvious on my part that the people were indicating that they could go along with the present governor's council setup provided the members of the governor's council were elected by the people from the districts they served in. For example, next time around when Androscoggin County will have a representative on the council serving my district, that person will run on the ballot, Republican and Democrat, for the council seat. In that case, we realize that the Democrat will be sitting on the governor's council. Whether the county be solid Republican or solid Democrat, at least the people will have an opportunity to vote for the man they feel was most qualified to serve on that council, whether he be Republican or Democrat.

I will stand corrected on one statement I may have made my previous time up as to the number of people at the civic center. I based my statements on what I had read in the papers. There has been some objection to my pointing out that there was 800 people there. Whether there were 800 people there, 2000 people, 10,000 people or 100 people, I think these people represented the people from all sections of the state and I for one get the message as the Republicans representing those people as well as other people in the State of Maine, I got the message, and this is the reason I gave the answer to Mr. Martin. These people are not too happy to see a leadership council set up made up of legislators carrying on a double function.

I think one thing that has been pointed out to me by several people who have been active in state government - and they are Republicans - that they felt that there was an infringement here on the division between the legislative, judicial and executive, even though this package gives more responsibility to the Governor, who is our executive, that we as legislators who might be in leadership would be taking up something that might be an executive function and we would be breaching possibly the Constitution.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: May I ask a question of anyone who can answer it to the effect, what happens to the approximately a million dollars over the biennium which has been the contingency fund with the Governor's Council?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The original thought had

been to give this to the legislative council. The Attorney General's office said that was a violation of the Constitution and that there had to be a separation of power. It was pointed out by the gentleman from Strong, Mr. Dyar, that this was one of those things that could have created a constitutional crisis, and so for that reason that had to be changed.

The way that it is structured in this particular agreement actually is that this money - and it varies depending upon the amount the Appropriations Committee wishes to assign to it - would be left basically in the hands of the Governor who would have to approve the transfers as a result of the agreements between Finance and Administration and the various departments. One of the things that would take place, of course, is that in the course of this operation, this carries with it the assumption that legislative committees would be standing committees and would be making recommendations to the legislative council and, therefore, to the Governor as to what ought to take place with that money. One of the fears that many of us explained was the possibility of individuals who might just decide to run wild with the money, and we were assured that without any problem that could be handled very simply because there are enough safety mechanisms left in this document which would protect the legislative body in terms of recalling itself very quickly and taking care of a problem if one individual were to abuse it.

The other thing that could very well happen would be if the money were in fact in the hands of an executive which could be in effect abused, and some people were concerned about that, but the restrictions could be written and would be written into existing statutes to protect that very thing.

For example, there are certain amounts that are given to the council for trips for various bands across the country or going to Washington to represent the state, whether it is the Inaugural

Committee or whatever it might be, the Cherry Blossom Festival, and these funds can be allocated by account within that by the legislature. That would be one of the things that we would have to do in order to protect ourselves.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: To specifically answer the question of the gentleman from Augusta, Mr. Brown, the next legislative document before us says that the Governor, with no approval from anybody, can spend this contingent fund up to the amount of \$800,000.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: When this piece of legislation first came over the horizon, it came piecemeal, and then it was put together in a package and we were told several times in the Democratic caucus that the Republican party, that is the leadership, wanted a complete package or nothing at all. Twice we defeated this package on the floor of this House and now it is reappearing with a little bait thrown in so that we poor fish that are sitting here will nibble at the hook and get caught.

I do not think that this is the right way of doing things and I hope that we who have stood here, spoken against and voted against this package shall continue to do so until it is finally disposed of.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I do not mean this in a facetious way at all, I mean this in a very serious vein. I read in the newspapers, listened to the radio and watched on the tube one remark made time and time and time again. If single member districts do not pass, the other packages did. That remark was made by the good gentleman, whom I have publicly praised, Mr. Simpson from Standish. How then

does he account, making that statement repeatedly and on two occasions after we defeated and failed to enact this measure we are discussing now, he voted for the next measure.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I have some bus tickets for next Saturday to go on a boat ride, and I hope we get out of here in time so that I can use them.

You know, as I heard Mr. Ross give his poem here, I heard the parody to that long before I heard the poem. I cannot repeat that here because I know I would get the hammer, but I think we have discussed it enough and I do not think we are going to change a mind here if we talk until next Christmas, and I hope we put the question.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I was hoping I would get a question and answer from the gentleman from Standish in that corner and not a substitute reply. I still ask the question and I still would make — possibly for another reason — we might just as well vote because this will come back with an amendment anyway. If that amendment doesn't go by, it will come back with another amendment, because let's face the facts as they are. No matter what happens, just as long as certain individuals get single member districts, they will go home happy. Why not be honest about the thing? I am being honest about it.

Now this bill never had a hearing. Somebody said this bill had a hearing. When did single member districts have a hearing? I would like to have someone give me the answer to that question.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: There was a bill before that

special committee on apportionment that had a hearing on single member districts. I think the gentleman from Lewiston, Mr. Cote, was there at that time.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am not sure if I would be happy or pleased thinking that I am a substitute for the majority floor leader. I suspect that there would be a much different view or opinion from that corner if I was sitting there.

I do have to respond though to the gentleman from Lewiston, Mr. Cote. I wish that I would have had his speech he gave this morning when he talked about the bill dealing with the lottery that had been defeated and redefeated and which I had always continuously voted for. If that had been the case, that bill never would have been back this morning. I do not think that whether or not something has been defeated 55 times or once is reason why anyone ought to consider saying that this is the end of it.

As I said earlier, I think that all of us, speaking for myself, whatever part that I may have played. I hope that my mind has been open enough in order to accept suggestions and open enough to try to work out things which might be workable and try to arrive at a consensus that we might then work together. After all, we are not interested in ourselves here today. We are supposed to be representing the citizens of Maine, and if we can work out something that is acceptable to them, then I think that is obviously what we ought to be working toward and trying to work in that direction.

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

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I beg your indulgence for a moment or two. I realize the hour is late. I feel compelled to rise to support the idea of legislative reform because I think it is a sound and progressive one. It

should be made more than abundantly clear to everyone in the House the reasons why certain members seem to find this reform package objectionable. There is one thing about it which I would wish could be put in better perspective and that is, I wish that it were not necessary for us in these waning hours of the 106th session to attach every manner of ulterior motive to the package of legislative reform which has been presented to you because I, frankly, do not feel compelled to attach such ulterior motives to it. I think that in the main the package has been worked on very carefully and very honorably and diligently by the persons who presented it to us. I think it is a progressive package and I can realize full well how much more easy it is for all of us to continue our comfortable old ways.

I realize also that I do not think this speech is going to probably change a vote, but I must say that I feel that the principal reason for our rejection in this session is the feeling of comfort and satisfaction with the way things are as they are. I do not think this is the way this state or the world will operate now or in the future. I think that the winds of change are in motion and I think we would be very well served to accept a reform package which could be a credit to this legislature and to the entire State of Maine. The only obligation we have before us as members, as I have said before, is to do our very best to do a good job for our citizens in our state, and I think the acceptance of a reform package such as this one would have broad and important meaning for the citizens of the state and would be very beneficial and should be accepted.

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

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: I support legislative reform and would like to briefly address myself to the section on single member districts which seems to pose a problem to some of us.

Irrespective of party affiliations, the passage of this reform will better serve the citizens of our state. Presently, if we come from a multi-member district, many times the constituents do not know to whom they should bring their problems and in a sense there is no rapport between the citizen and legislator. Consequently, many legislators are unaware of the needs of their constituents and respond accordingly.

Secondly, single member districts will help to bring to the field of politics candidates young and old who, although fully qualified to run for state office, are now discouraged from doing so for fear of being unable to effectively achieve recognition from some groups.

Thirdly, both major political parties would be forced to sponsor the finest candidates available. If as a party, any party, we pride ourselves in having the better candidate, then there should be no problem and no risk at all.

There are those who object to some of the sections only of this reform bill and so reject the whole package and yet, although disapproving of certain appropriations in the capital expenditure budget, they nevertheless supported that bill in total.

Perhaps under single member districts, some of us could be hurt personally in the primaries, but I don't think that we should jeopardize the whole reform package for fear of hurting our own ego. If you will permit me, ego, which is referred to as the anesthetic which nature gives us to deaden the pain of being a fool.

Some are eager to send the lottery bill to the people so that they can decide for themselves. We can do no less with legislative reform. I personally think that the citizens of Maine can choose wisely and will do so in referendum. We should not underestimate their ability to do so.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: The lottery bill was brought up which I was in favor of. It

got killed and disappeared for a few months. It came back. I was still in favor of the lottery bill and I supported it because I believe in the lottery bill because the people in the City of Lewiston believe in the lottery bill.

I have been here for quite some time and I know what it is to be rebuffed and rebuked by your own party. It happened to me right on the floor of this House with a former minority leader because I did not vote for the income tax, and if the income tax came on the floor of this House today to be repealed, I still would vote to repeal it because I do not believe in the income tax. I am not going to vote for a bill that is going to perpetuate into office certain dictatorial powers over the members of this House, where he will be able to hold a hammer over your head if you have a bill whether you want it passed or not.

That is why I am against this bill. I am also against taking government away from the people and bringing it down from 151 to 99, that is another reason. I do not fear single-member districts. I can take care of myself in Lewiston, I think. I have been anyway up until now. That doesn't worry me one darn bit. What worries me is that we are trying to do something somebody claims, for other people, but in my opinion, we are trying to do something to the people — taking away government from them.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I strongly oppose this statement that we are taking it away from the people because the people are the ones who are going to decide whether they want this or not. Referendum is the only way to really allow the people to decide. We are elected to represent the people. Let's represent them properly and give them the chance to decide on this issue.

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 Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been asked two or three times in the last few days why it is that I, who probably rank one of the rankest of conservatives, supported this measure? I have defended this bill on the basis that I feel that either conservative, if he is going to be a responsive legislator should be flexible. Contrary to what some people may think, I do not always vote no, in spite of the picture the earlier part of the session in the Maine Times.

There are things about this bill that I do not like, but what is it we are attempting to arrive at? We are attempting to arrive at a more efficient method of handling the state business today in this accelerated time.

I do not believe that a conservative should say no just because he happens to be conservative every time. I do not believe that we should go along with change just because it is change. Neither do I believe that we should always object to change just because we want to be consistent. We are all human. I am one of the older members of the House, not in service, but in years.

I recall my father who was a life-long, strong, hard-nosed Republican. It seems that most of his life he spent we talked politics, stating what was going to happen to the country because of what the Democrats were trying to do. I recall very distinctly when F.D.R. perpetuated himself in office. My father said, "Well, you can see it is going to be a dictatorship, you will never see another Republican president." I listened. Later on, in his real old age he said, "Well, the Republicans got us out of that, but the next time you better watch out." Again I listened and I watched.

At one time I was a member of the Democratic party, and I saw fit to change. I have been satisfied since I changed. I have been satisfied most of the time to be called a conservative, but when one says that the people back home are insisting that members of the Governor's Council be elected by the people, I must have a strange breed up in my county, no one has ever asked me why the Executive Council is not elected back home. I defy you or I or anyone else to go up there and ask a hundred people on the streets of any of my towns who their executive councillor is, and find out if they can tell you, they just don't know. The most of them unless they have been in this legislature, don't know the first thing about what the council is supposed to do. We are the ones that are responsible for state government, that is what they elected us for.

As far as the part of this bill goes that reduces the size of the legislature, I have opposed it for three solid sessions. Now, even though I never laid claim to be a firmament, I have changed my mind. If a state senator can run and represent 30,000 people, I think we can run and represent 10,000. I think I am at least one third as good as a senator.

As far as the substitution for the council is concerned, I am not too happy with it. I have stated for three solid sessions I am opposed to eliminating the council, but a few knowledgeable people back home that have been members of the legislature have asked me why we did not change it.

As far as reducing the size of the legislature, I have always been hounded about that by my constituency. They do know that there is over 100 people down here and they, a good many times, don't think there should be over 50. In fact, I have had it recommended that we only have a session every five years. I think that would make a lot of them happy.

Now we are — and seriously — we are the keepers of nearly a million dollars a day business, and I think the time has come when we must systematically handle that business on an annual basis. I

heretofore opposed annual sessions. I said we already have them. Well, we do, but we only have them because the second session is sort of a catch as catch can idea. Either the Governor can call us into session for so called emergencies or the leadership, the Speaker of the House, President of the Senate can call us in after they have polled the majority of both bodies for our consent.

I don't see any reason why, if we are going to do it, we might not just as well set it up so that we convene the first Wednesday of every January, and I would hope that we would streamline the machinery well enough so that we could get out of there before July every year.

Now I know people have said, why are you, such a conservative, buying this bill? I told leadership the first part of the session, I stated in caucuses, if the leadership could come up with a package that they, both parties in the leadership, think they can buy, I will vote for it, and that is exactly what I have done. If the bill can go through, I am sure that the people then will have it explained to them, have plenty of opportunity to decide whether they want the annual sessions — that is one thing that the people have said back home. You go down every year, why don't you make it official? I have resisted that year after year.

You know, if we pass this bill, I would be kind of happy to go home and say, "Well, I have changed my mind this session, you can reelect me or not next time, but I have done most of those things that you suggested I do, except that I haven't voted to eliminate the legislature." I don't plan to do that. But I am not trying to change anybody I am not urging anybody I am just standing up here facing the legislature, this is only my fourth term — I expect to get 15 or 20 more in before I die — and telling you why I am voting for this package.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You know,

since the very first day I met him, I have always had a great deal of respect and admiration for the gentleman from Norway, Mr. Henley, and he will be the first to admit, as I will be the first to admit, that I talk sometimes a little too often and that he has talked a little too often at times, but I feel that I learn something from him every time he gets up, and today was just another day that I learned something. He described his father as a hard-nosed Republican, so that today he shattered the axiom like father like son.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mr. Henley in his remarks said that at one time he was a Democrat and since then he has changed to be a Republican and he is happy. Well I would like to tell Mr. Henley, at one time I was a Republican, I changed to be a Democrat, and I am even happier.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will be very brief, my reservations are very, very serious, and they don't involve some of the points that have been brought up by others. I am very concerned about the Legislative Council taking the place of the now existing Governor's Council. I see these two people in the two corners, maybe not as of today, but down through the years, if they are able to get together they are a pretty strong arm against any legislation the governor may have before us. Now this has gone on during my long tenure here. Anytime they get together and the Governor has a program, these two people that sit in the front corner, whether it be today or it was ten years ago, have a very strong arm against the front office. I think the Governor is elected by the people and should be able to carry out at least some of his programs.

I think this is a step in the wrong direction, and this is what I oppose the most. I oppose this annual session mainly because in my long

many years here, every year I hear the same bills twice. The lottery bill was a good example and many others. I have heard them every year since I have been here, sometimes eventually they pass. If we had some way of determining what could be heard every other year, but as I understand it, we will still hear the same thing chewed over year after year. Now this I would be opposed to, but my major concern is about this council, legislative council.

I think there is some conflict of interest in the field of the contingent fund, and there will be others as time goes on. You will find when you get into it a little deeper that you have opened up quite a bag of worms. You will also find that when your constituents that haven't cried on your shoulder for this much reform, when they go to the polls to vote, they are going to find a very difficult question. It is going to take them an hour to read and try to make up their mind what they want to do with a package this big. I think they would be better informed if they were asked to do away with certain specific items. But when you try to put a thing like this in a bag and sell it as a package, there is a lot of things in there people don't understand, and I think some people today say, well, it must be all right, the legislature voted for it.

I want to be on record and I want my people to know that I didn't vote for any package. However, there are certain things in it that I probably could buy, but a package like this that asks so much of the people at one time to go to the polls to vote for something like this, they are poorly informed and they will be there and I can just see the line waiting at the polls now to vote for a monstrosity like this. They have got to read it and try to comprehend it all on election day. I think this is asking too much of the people, and I think already we have put too many of these reforms before the people, too much is going out from here. They expect more of us. They expect that we are intelligent enough, that we are

big enough people to decide issues, that we don't have to send as many of these things back to the people. Like the lottery bill, for instance, we should have been able to decide that here. Many other issues, we should be men enough and big enough to decide these issues here, and this goes for this one.

I realize it is a referendum, to change the Constitution has to go to the people, but we send many things to the people that we don't have to. Why we are going to have the people going to the polls and voting on nearly every bill that comes before us if we keep on. They are going to have pages to go in and vote for, and they are getting disgusted. They think that they would like to vote for people that are big enough and able enough to do the job down here.

I am not concerned about those ten of us here 51 or 91, this don't bother me I am not concerned about that. I am concerned mainly about this legislative group that we are trying to replace, and I think I can say truthfully that while we had Democrat Governor's Council, and I have served here while we had Republican Governor's Council, and the quality of these men that have served on this council in my long many years here has been of the best characters in this whole state of Maine, the best that could be chosen, and I think they were by far better than any group we could have taken down through the years from leadership. I am sure of that. It is my own honest, humble opinion that they have done a reasonably good job if we give them the tools to work with.

I think there are certain things we should do. We have passed on duties on the council they shouldn't have, but the House did it here. They keep delegating power to them year after year and I would like to see some taken away. We don't have to send that out to the people to take this away. We gave them this power, and we delegated it to them, piecemeal or all in one junk.

Several years ago a Representative from Brewer, Mr. Libhart and I sponsored a bill for this House

that did just that, took away all the duties of the council that was given to them by this body.

Now I don't want to take away what is given to them by the Constitution because I still think that is a pretty good document, it was well written and our forefathers had good foresight when they set this form of government up. I do think the Governor's Council probably should be elected by the people to be more reflective of people, either that or elected by the delegation from each county. Sure, I believe there is a need for modest change and should be, but I think this is a drastic one and takes in a lot of things that shouldn't come to pass at this time, that the people won't appreciate it, and there is nobody back home crying on your shoulder for this much change, believe me.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House reconsider its action whereby this Resolution failed of final passage. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berube, Birt, Bither, Briggs, Brown, Bustin, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Hoffses, Huber, Immonen, Jackson, Jacques, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Susi, Theriault, Tierney, Tyndale, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Cote, Curran, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Evans, Farrington, Finemore, Fraser, Hancock, Herrick, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, Merrill, Mills, Morin, L.; O'Brien, Parks, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Silverman, Stillings, Strout, Talbot, Tanguay, Trask, Trumbull, Walker, Wheeler, Willard.

Yes, 88; No, 58; Absent, 5.

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

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

Mr. ROSS: Mr. Speaker and Members of the House: Of course, as you know, the reason that I moved for reconsideration was that this bill should not be held, I didn't think, and somebody had changed their vote and were planning to hold it, but it has been held anyway.

I now do not want to see this bill enacted, and I hope people vote against final enactment, and when the vote is taken I request it be taken by the yeas and nays.

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 final passage of Resolution relative to Constitutional Revisions, Senate Paper 673, L. D. 2040. This requires a two-thirds affirmative vote of those present and voting. All those in favor of final passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Birt, Bither, Briggs, Brown, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Hoffses, Huber, Immonen, Jackson, Jacques, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McKernan, McMahon, McNally, McTeague, Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Theriault, Tierney, Trask, Tyndale, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cote, Cottrell, Curran, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farrington, Finemore, Fraser, Hancock, Herrick, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, McHenry, Merrill, Mills, Morin, L.; O'Brien, Parks, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Sproul, Stillings, Strout, Talbot, Tanguay, Trumbull, Walker, Wheeler, Willard.

ABSENT — Cressey, Faucher, Kelley, R. P.; Lawry, Webber.

Yes, 83; No, 63; Absent, 5.

The **SPEAKER**: Eighty-three having voted in the affirmative and sixty-three in the negative, with five being absent, the motion does not prevail.

Sent to the Senate.

Order Out of Order Tabled and Assigned

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

WHEREAS, countless policy decisions are made in the course

of educating students 7 to 17 years of age; and

WHEREAS, the present system of education during such ages is mandatory and preformed leaving little room for student input; and

WHEREAS, students of junior and senior high school levels are capable, if given the opportunity, of playing a greater role in such policy-making decisions and self-government; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Education study the role of the students in the policy-making decision process of our educational systems; and be it further

ORDERED, that the State Department of Educational and Cultural Services is respectfully requested to provide the committee with such technical advice and other assistance as the committee deems necessary and desirable; and be it further

ORDERED, that the committee report its findings and suggestions to the next regular session of the Legislature; and be it further

ORDERED, that said Department of Educational and Cultural Services be notified accordingly upon passage of this directive. (H. P. 1643)

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: The Order that is before us, introduced by the gentlewoman from Auburn, Mrs. Lewis, as I understand it, says that the Committee on Education would review certain policies during the Legislative session in cooperation with the Department of Education and Cultural Services and report to the next legislature.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Number one, there is no price tag on this order which should mandatorily be declared to be tabled at least for one day. This is far-reaching, is quite expensive, and I would like

to have a price tag put on it before I would vote for it. I would suggest this be tabled for at least one day.

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

Mr. CAREY: Mr. Speaker and Members of the House: I move indefinite postponement of the order.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of this order.

The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Members of the House: There isn't any price tag on this order; this would be something that the Education Committee would study.

It has concerned me somewhat that we have such rebellion in our high schools among our students and in some, cases of lawlessness. I would like to have the Education Committee study this to see if possibly the students themselves, if they had some say so in the policy-making of the schools, maybe that would help the situation. I am not suggesting they do have a say so, I am just suggesting that possibly we make a study to see if that would improve our situation.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I move that this lay on the table for one day.

The SPEAKER: The Gentleman from Portland, Mr. Cottrell, moves this matter lay on the table one day.

Thereupon, Mr. Birt of East Millocket requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Cottrell, that this matter lie on the table one legislative day pending the motion of Mr. Carey of Waterville to indefinitely postpone. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 95 having voted in the negative, the motion did not prevail.

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

Mr. MURRAY: Mr. Speaker, Men and Women of the House; I hope that you do not indefinitely postpone this order today. I have sat on the Education Committee for two sessions now, and we often have superintendents come in and tell us what they think should be changed in our present system. We often have representatives of teachers come in and tell us what would be best for teachers to improve their situation in our school system, and yet the people that are really participating or the products of our institutions of systems we never hear from, and we don't understand why some of them aren't getting what they should be out of education.

We debated here last week the fact that \$211 million will be spent next year on education. It seems to me to be that it would be imperative on our part to make sure that \$211 million is going for the best interests of all our students. This is really what is behind this order. We want to be able to find out if a way of the role of the students should be in making decisions in the education system.

I think that since every town and city in this state is providing education for its students, we ought to make sure that the best is being offered and that every student can get the most that is being offered. I hope that we don't indefinitely postpone this order today.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do postpone this today. When I work for a man, I do what I am told. I don't tell him how many hours I am going to work, I don't tell him what pay he is going to give, that is understood. But young men and young women go to school, they have laws and bylaws set up for them.

I know that if these young people had their way they would have a smoking room, they would have

a drinking room, they would have the right to bring their cars on and off the grounds anytime they saw fit. All these schools have these rules, they must obey them. If they don't want to go and do what the taxpayers are paying for them to do, then let them go to a private school where they can, and they can't do it there, I am positive.

I hope you will go along today and indefinitely postpone this order.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: A month ago we were discussing a bill in here on these 20-year-olds or the 19-year olds. I made a remark at that time we ought to be looking for other areas for responsibility for students. I think this order will do just that. How are we going to know what these kids are thinking if we are not willing to listen to them? I urge the support of this order, the passage of this order this afternoon.

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

Mrs. BERRY: Mr. Speaker and Members of the House: I think that most high schools have student councils and I think this is one of the reasons for it, so that they can talk with the directors or the teachers or the powers that be, so that they can communicate with them in what they would like to have done.

I know in our school this is done quite often, and I think this is the place for this to be.

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

Mr. BITHER: Mr. Speaker, Ladies and Gentlemen of the House: I think we should know the background on this order. There is a little background to it. We had a bill before the Education Committee for a Bill of Rights for junior and senior high school students, and I think, if I am not mistaken, that bill was put in by the gentleman from Portland, Mr. Connolly, and at that time I myself personally rather violently opposed that

bill. But at that hearing that was brought out very definitely the fact that we do need to find out more about what these students are wishing and desiring in order to understand the situation in our schools today. I hope we do not indefinitely postpone this order. I think it is a good order, perhaps it isn't earth shaking, but I don't think it is going to cost a lot of money either, and I hope you go along and do not indefinitely postpone.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel we are definitely doing something wrong in our school systems throughout the whole state. The adult education programs are finding influx of 16, 17, 18, 19-year-old students who have recently dropped out of the day programs. They have dropped out because they weren't satisfied with what they were getting there. Yet, they still want an education, they were still willing to work for it and were still willing to come to school.

I feel that it is about time we need to look into these problems we are having in our school systems and to find out if there is some way we can help and some way we can bring some of these students into the decision-making process.

I would hope that you wouldn't indefinitely postpone this measure.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I think this is very important, at least to the 17½ to 18-year-old senior in high school, give them an opportunity to come up without any pressure, he is graduating, he has got his marks, he can come up and after 12 years in our educational system he can give us some very helpful input and information about the administration of our schools, which are increasingly costly.

Last year, you may not of noticed, those who remember it, we had put in an order and we had a poll of the 12,000 seniors. It

started too late in the year, but we did get 4,000 replies, and they were analyzed by the University of Maine in Portland, and it was a great input. They thought it should be continued.

Now this is costless, really, and I think it is most important. You pass legislation to subsidize education more and more, and more and more. Now this is a great step towards finding out just what the dollar production of our educational dollar is.

I hope you don't indefinitely postpone this.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was in dead earnest about this order when I said it had to have a price tag. This order should very definitely have a price tag on it. To possibly the lady from Auburn's surprise, I happen to be for this order, and my reason might be entirely different than hers. I think that somewhere along the line, somebody from the Education Department must go to all these SAD's and all these programs and explain what the situation is to them, one.

Secondly, somewhere along the line we must improve on our much, much, much needed to be improved program of guidance. Even where it should start the guidance program. It should start on the grammar school level, let alone the high school level. It is sadly in need of repair, believe me.

This thing should have a price tag, and on that basis I want it tabled. I know, Mr. Speaker, that after it has been debated it still would be in order to table this bill so we can put a price tag on it, study it, and discuss it.

There is a great deal in this one sheet of paper and there would be a great deal more, in my opinion, if there would be an amendment that might have 8 or 10 sheets. I do hope before we act hastily, with due deference to my very good friend from Waterville, Mr. Carey. I do hope that probably he might consider withdrawing his motion or if he doesn't, that we would table this thing, put a decent

price tag on it, which must be put because in my opinion this would necessitate some travel by the Education Committee or some committee members from different areas of the state for time saving for people who are interested in joining the meeting and discussion.

I certainly hope that someone would get up to table this order for one more day.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Bangor, Mr. Murray. He mentioned that there is \$211 million of the taxpayers money which goes into education. Now this is considered input. My question to the gentleman is, how much of this \$211 million input is put in by the junior and senior high school students?

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

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

Mr. JALBERT: Mr. Speaker, Members of the House: As much as I oppose 1994, the price tag is dwindled down to a mere \$89 million from \$211 million.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would simply like to remind the members of the House that not too long ago you gave the vote to the 18-year-olds. Apparently you assumed that at age 18 they are suddenly endowed with intelligence enough to aid in governing in our country and our state.

Now they must have some formation prior to 18. This is not some gift that descends upon them at the 18th birthday. I am sure you could appreciate that at 14, 15, 16, and 17 they do have a certain degree of intelligence, some experience, at least in the school system, and could have some input to give to the committee.

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

Mr. HENLEY: Mr. Speaker and Members of the House: All I would like to remind the people of in this House is that this order reads students 7 to 17 years of age. It doesn't speak about the 14, 15 and 16 only. If it did, I think it might be a little bit more subject to acceptance. But I can't quite understand why the research group would get too much educational information for a 7 year old. A good many times they are only in the first or second grade. I have every respect and love of seven-year-olds, but it seems to me this is reaching down quite low for guidance in regards to running our educational department.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, to indefinitely postpone Joint Order relative to study of role of students in the policy-making decision process of our educational systems. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 77 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage and tomorrow assigned.

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

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget (S. P. 661) (L. D. 2021) (Emergency)

Failed emergency enactment in the House on June 26.

Came from the Senate enacted in non-concurrence.

Tabled — June 27, by Mr. Birt of East Millinocket.

Pending — Further consideration.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a little history of this bill that I don't believe you know. It was neither written, seen, nor approved by any person in the office of the Director of Legislative Research. The draft was started by one person and finished by an aide who had little technical knowledge of the process. In the engrossment process, no one could find the original bill, just an almost unreadable xeroxed copy. It was extremely poorly prepared. Twenty-five references had to be corrected, and still no one could find the original bill.

I will admit that these are now in proper technical form. But in my opinion, the thought behind this bill is still neither practical nor thoroughly enough studied.

If we read each section of the bill carefully, you will find that there was not much thought given to each duty. The main emphasis in the contents is only to delete the term "council" from 225 different items and give each "to the governor alone" included. Bonding limits of various officials, custodial contracts, approval of bonds, care of securities, temporary loans, claims by the state, financial programing, the appeals board, retirement exemptions, the allocation from the contingent fund up to \$800,000 — and for the information of the gentleman from Augusta, Mr. Brown, that is on page 18, section 63, paragraph 2 — the authorization of the audit, the demolition of buildings, parking user fees, financial orders of all kinds and 210 more.

Many want a stronger governor. In certain areas I agree. However, be he a Republican or a Democrat I believe few people would be willing to go as far as this bill goes and I hope it fails of final enactment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am sure the gentleman from Standish, Mr. Simpson, will join me when I say this is a terrific bill and I hope it does have enactment.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, it requires a two-thirds affirmative vote of entire elected membership of the House. All in favor of passage to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: 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 in favor of a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, this requires a two-thirds affirmative vote of the entire elected membership of the House. All those in favor of passage to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA, Ault, Berube, Birt, Bither, Boudreau, Briggs, Brown, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Deshaies, Dow, Drigotas, Dunleavy, Emerv, D. F.; Farley, Farnham, Fecteau, Ferris, Flynn, Gahagan, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Henley, Hobbins, Huber, Jackson, Jacques, Jalbert, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Morin, L.; Mulkern, Murchison, Murray, Najarrian, Palmer, Peterson, Pontbriand, Rolde, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Talbot, Theriault,

Tierney, Trask, Tyndale, Wheeler, White, Whitzell.

NAY, Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cote, Cottrell, Curran, D a m , Donaghy, Dudley, Dunn, Dyar, Evans, Farrington, F i n e m o r e , Garsoe, Haskell, Herrick, Hoffses, Hunter, Immonen, K a u f f m a n , Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, Mills, M o r t o n , O'Brien, Parks, Perkins, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Sproul, Stillings, Strout, T a n g u a y , Trumbull, Walker, Willard, Wood, M. E.; The Speaker.

ABSENT, Cressey, Davis, Faucher, Fraser, Kelley, R. P.; Lawry, Norris, Webber.

Yes, 82; No, 61; Absent, 8.

The SPEAKER: E i g h t y - t w o having voted in the affirmative and sixty-one in the negative, with eight being absent, the motion does not prevail.

Sent to the Senate.

Supplement No 4 was taken up out of order by unanimous consent.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Amend the Land Use Regulation Commission Law" (H. P. 627) (S. P. 851) which the House enacted on June 27.

Came from the Senate with Committee Amendment "A" (H-471) indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "C" (S-239) in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, tabled pending further consideration and tomorrow assigned.

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

WHEREAS, William C. Langzettel of Falmouth retires this week, c o n c l u d i n g thirty-eight years with the Associated Press in Maine; and

WHEREAS, Bill Langzettel led his profession over the years in establishing an enviable record for undisputed tabulations of Maine election results, and

WHEREAS, Bill Langzettel has earned the reputation as a practitioner of factual reporting with absolute accuracy his insistent goal; and

WHEREAS, Bill L a n g z e t t e l richly deserves the distinction of being one of Maine's most distinguished journalists; and

WHEREAS, Bill L a n g z e t t e l earned for himself and the Associated Press an unusual high standing within not only the field of journalism, but with Members of the Maine Legislature; and

WHEREAS, All the foregoing facts are accompanied with the admiration and respect of all who have known him these many years; now, therefore, be it

ORDERED, the Senate concurring, that we the Members of the 106th Maine Legislature pay special public tribute to William C. "Bill" Langzettel in honor of his thirty-eight years of quality journalism with the Associated Press; and be it further

ORDERED, that a suitable copy of this Order be signed by the Speaker of the House of Representatives and the President of the Senate on behalf of the Legislature and sent forthwith to Mr. Langzettel. (H. P. 1646)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

(Off Record Remarks)

Mr. Dyar of Strong was granted unanimous consent to address the House.

Mr. DYAR: Mr. Speaker and Members of the House: Yesterday afternoon I placed a report on the desks of all the members of the Appropriations Committee here in House and on the desks of the members of the Health and Institutional Services Committee. This report is a study that was started at Pineland commencing July 1 to terminate on June 30, 1974. Yesterday afternoon I was on the telephone talking to Dr. Wertz, the Superintendent of Pineland, and he assured me that this report in no way would phase out Pineland Training Center.

I wanted to bring it to the attention of this legislature that

according to the press we were to adjourn last week. This information was given to personnel at Pineland last Thursday afternoon at approximately three o'clock. Throughout this report, a project which will be worked on by the Economic and Manpower Corporation of New York, the personnel presently at Pineland will be retrained to work in the area of mental health centers. Throughout this report, which Dr. Wertz maintains is the work of the Manpower service in New York, there is constant reference to phasing out such as the institution now being phased out, refers to the anxiety of present staff at Pineland on the program at Pineland being phased out, and it definitely states in many places that the intent of the department is to close Pineland in its entirety and place all these people in area mental health centers.

I bring this to your attention today so that you will be forewarned that possibly something is in the works. I will state that our previous experience, we find that when change is made, not only this department but many others, the change is made when this body is not in session.

I certainly hope that the members of the Appropriations Committee especially will review this report, as we have funded this for the next biennium, and I certainly hope that the Department of Mental Health and Corrections, the Director of Mental Retardation and the Superintendent at Pineland will not attempt to close this facility when this body is not in session.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.