

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

Thursday, June 28, 1973

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

Prayer by Pastor Geraldine Brown of South Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter**

Bill "An Act Increasing Tax on Liquor, Wine and Beer" (H. P. 1246) (L. D. 1623) which was indefinitely postponed in the House on June 26.

Came from the Senate with the Bill passed to be engrossed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves that the House recede and concur with the Senate. The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 1623 is a liquor tax bill. It is a very very minor one in that it adds one percent to the tax on wines, one cent per gallon on wines and one cent per gallon on beer. This tax is supposed to bring in a revenue of \$350,000 a year, and from what we have done here the last few days. I think we are going to need this revenue badly along with the \$10 million that we get from the lottery, it will put the state in fine financial position. I therefore move that we recede and concur with the Senate.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: I am in opposition to this tax. I know it is contributing many many millions of dollars. This bill was put in as a possible companion bill to L. D. 76 on alcoholic

rehabilitation and it was put in due to the fact that earlier in the session, from what I understand, proponents of L. D. 76 were not sure there would be available funds. Well there is certainly ample money in the treasury, this bill is not needed. It was soundly defeated in this House. It went right under the hammer but it came back from that other unmentionable body, and I ask the House not to support it. It is not needed at this time.

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

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: To me this is just another tax that is being imposed on the people of Maine and driving business out of the State of Maine, especially in the border communities of the cities and towns bordering New Hampshire. Every tax that is passed will drive people in these communities over into New Hampshire to purchase their supplies, groceries, clothes and whatever you have. Therefore, I don't believe that the state will get this \$352,000. They will lose more money on the sales tax, and I hope you oppose this bill.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker and Members of the House: I hope that you vote against the motion this morning so that we can insist upon our former action. This is nothing by a harassment tax on these people who are in this business.

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

Mrs. BAKER: Mr. Speaker and Members of the House: This was my bill, and as I told you when we tabled this unassigned, it was intended in the first place to finance L. D. 76. However, I really doubt if anyone would feel this tax, one cent on a gallon, and I am sure the state could use the money.

Thereupon, Mr. Genest of Waterville 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 Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Ladies and Gentlemen of the House: I would point out that L. D. 76, dealing with alcoholics, does cost considerable money. We have also passed another bill which links up the alcohol and the drug problem, and this is going to take quite a bit of money, and certainly this money now is coming out of the General Fund. What we are doing here is replacing money to the General Fund, and I think we should do it this way because liquor is the one that has created this problem in the first place.

I wouldn't be quite so hot for this tax if I thought it was going to be passed on to the consumer, but nobody is going to pass on a cent a gallon. It is an industry that has tremendously fat profits and I am positive or very sure that all it will mean is the same price to the retailers and it will come out of the liquor dealer's pockets.

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

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am opposed to having this additional tax put on liquor of any kind for the very simple reason that up along the New Brunswick border we are fast creating the same condition there that exists down in the other end of the state. You can now cross over the line into Canada and buy meat a good deal cheaper. Take for instance \$1.98 on a steak and you buy it over there for \$1.38 and there is no tax coming across the border. The same thing is going to happen if we go ahead with these liquor taxes. They will cross the border over the New Brunswick line and get their booze in Canada.

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

Mrs. BAKER: Mr. Speaker and Ladies and Gentleman of the House: There is one thing that I would like to point out and that is that L. D. 76 called for \$375,000 in the first year of the biennium and in the Part II budget, the amount that was allocated to the Division of Alcoholic Services was \$226,400, which really falls far short of what was originally anticipated as needed to implement L. D. 76 in the first year. You might wish to consider that in your voting.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: It has just been mentioned here that no one will feel this tax. If the state is not going to feel this tax, we don't need it. So I hope you will vote against it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that the House recede and concur with the Senate, on L. D. 1623. All in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Cameron, Chick, Chonko, Churchill, Cooney, Curtis, T. S., Jr.; Davis, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Greenlaw, Haskell, Henley, Hunter, Immonen, Knight, Lewis, J.; Littlefield, Lynch, Maddox, McMahon, McNally, Morin, V.; Morton, Murchison, Murray, Najarian, Perkins, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Susi, Tierney, Tyndale, Walker, Webber, White, Willard.

NAY — Albert, Berry, P. P.; Berube, Binnette, Brawn, Brown, Bunker, Bustin, Carey, Carrier, Clark, Conley, Cote, Cottrell, Crommett, Curran, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Evans, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Hobbins, Hoffses, Huber,

Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, LaCharite, LeBlanc, Lewis, E.; MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McTeague, Merrill, Mills, Morin, L.; Mulkern, Norris, O'Brien, Palmer, Parks, Peterson, Pontbriand, Pratt, Ricker, Santoro, Snowe, Soulas, Sproul, Stillings, Talbot, Tanguay, Trask, Trumbull, Wheeler, Whitzell.

ABSENT — Briggs, Carter, Connolly, Cressey, Dam, Emery, D. F.; Farley, Faucher, Herrick, Kelley, R. P.; LaPointe, Lawry, Sheltra, Smith, S.; Strout, Theriault, Wood, M. E.

Yes, 55; No, 78; Absent, 17.

The SPEAKER: Fifty-five having voted in the affirmative and seventy-eight in the negative, with seventeen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Kelleher of Bangor, the House voted to adhere.

Passed to Be Engrossed

Bill "An Act to Provide a Subsidy to Communities with Private School Enrollments" (S. P. 685) (L. D. 2047)

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

Senate Amendment "A" (S-260) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to this amendment this morning. I am not going to describe it as a foot in the door, because I don't think that would do justice to the proponents. I would note that the original measure called for an appropriation of \$1.2 million. I believe it is now down to \$600,000.

The state provides a free public education for everyone from age of five to twenty-one and in certain instances beyond this point. I believe approaching this type of situation is going to have the effect of diluting and weakening our public school system. I don't believe that we can support more than one public school system or more than one free school system

and I think this is beginning to approach this concept.

My own particular municipality would need at least two new bus runs to accommodate the people we presently have attending private schools. I believe it would encourage and enhance those who perhaps today are not having their children attend these private schools because of the transportation problem. We have had in the past quite a proliferation around our area of these free open, permissive private schools, and I think this would tend to encourage the formation of these. And while I have no quarrel with those who would bring these systems into effect, I don't believe it should be placed on the public burden to support them in any way.

We can absorb everyone that is now attending private schools in our system at no additional cost. We have just passed legislation this week that assures equal funding for every student in this state, regardless of where he lives, and I would submit that legislation of this type will work to the eventual weakening of our public school system and I move the indefinite postponement of this amendment.

The SPEAKER: The gentleman from Cumberland Mr. Garsoe, moves the indefinite postponement of Senate Amendment "A."

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The remarks the gentleman made in reference to the cost are really just the reverse. We are talking about the total cost to the taxpayer. If every school would close tomorrow morning, assuming they were in session, and were not to open again, the cost to the taxpayer would be unreal. It is impossible—if there is such a school in his own area—for that school to close without having a tremendous financial burden upon that community.

One, for example, that I know of and I know a little bit about is the closing of the school in Caribou. When that is closed as

of this year, the cost to that municipality and to the state is really an amazing one, because the state is then going to pick up some \$300 per child roughly for each one that was there and will be paying that to the town of Caribou. Certainly that cost is by far more excessive than what even this one bill for the cost of transportation would mean.

We are already handling transportation. Most of the municipalities are paying for it directly out of their own pocket. It seems to me something that the state could help with and help those municipalities that have this type of a situation, help them at the same time, and basically this is the purpose of the amendment.

Certainly the amendment is by far a better workable tool than we have had in the original bill and it is something that this legislature and most towns are doing now and agreed to back in 1963 when the big fight was fought here, and as I recall, the big fight was fought in various sections of Penobscot County and Kennebec County and political figures were defeated on that one issue. It seems to me an approach that we could well take and I certainly would hope that you would vote against the motion of indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I am going to address myself more to the cost than the philosophy of this legislation. I would go back many years ago when we passed the subsidy act, the Sinclair Act so-called. I can remember very distinctly when we passed this measure that my community as well as the communities of private schools lost a tremendous amount of money. My community lost a lot of money.

I voted for the bill. I was highly criticized in some areas and I had to do some loud and long explaining to the people that I was merely doing it because of the fact that I wanted to see the wealthier community—do some-

thing for the smaller and poorer communities. Therefore, my reason for voting for the bill.

The good gentleman from Cumberland, Mr. Garsoe, mentioned a bill that we passed last week which would give an equalization for airports. That bill costs, the first year in my community, an extra \$170,000. It will give us some money next year but as the good gentleman from Houlton, Mr. Bither, stated, that will be to reimburse us, which is already law anyway, for the closing of one of our schools and construction costs which we would get anyway. So we are getting it insofar as cost-wise is concerned on both barrels, coupled with the fact that we can no longer be construed as a wealthy community. Within 30 miles of either side of us, the average wage scale is \$30 higher in Portland than in Lewiston, and some \$24 or \$25 higher in Augusta than it is in Lewiston.

As far as this measure is concerned, I would suggest to you very strongly that you pass it before you have a complete exodus of the private school system in Maine and then you really will pay and it won't run into \$600,000 then it will run into twenty to thirty million dollars. I certainly hope, for those reasons alone, that you would vote against the motion of indefinite postponement and when the vote is taken, I move it will 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 Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to rise this morning to support the motion of the gentleman from Cumberland, Mr. Garsoe, for the indefinite

postponement of this measure. With me this is a philosophical question, one which I have felt the same way about for many years. In my community we had a private parochial school and when it was possible to transport children to that school without increasing the bus runs, we did exactly that. But the people of my community voted strongly against adding additional funds for the transportation of children. I believe that it does dilute the public school system.

It is the public school system's responsibility to educate every child in the State of Maine. If there are folks who choose to send their children to the private schools, I support them in that wish, but I do not feel that the public sector should in any way support these private schools and I hope you will vote for Mr. Garsoe's motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker and Ladies and Gentlemen of the House: I just rise for a moment to explain the way I am going to vote this morning. Philosophically I agree with this bill, and I would ordinarily, under any circumstances, vote for it. I shall vote no this morning; I shall vote for indefinite postponement because I do not like the fact that a bill of this magnitude, costing the state \$650,000, has gone through both branches of this legislature without a public hearing, I shall support the motion to indefinitely postpone even though I agree with the philosophy behind it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Cumberland, Mr. Garsoe, that Senate Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bragdon, Briggs, Brown, Bunker, Cameron, Churchill, Crommett, Curtis, T. S. Jr.; Davis, Donaghy, Dudley, Dunn, Dyar, Farnham, Farring-

ton, Flynn, Gahagan, Garsoe, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Rollins, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Stillings, Trask, Trumbull, Tyndale, Walker, White, Willard, The Speaker.

NAY — Albert, Berube, Binnette, Bither, Boudreau, Brawn, Bustin, Carey, Carrier, Chonko, Clark, Cooney, Cote, Cottrell, Curran, Deshaies, Dow, Drigotas, Dunleavy, Evans, Farley, Fecteau, Ferris, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McMahan, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Pontbriand, Ricker, Rolde, Ross, Smith, D. M.; Smith, S.; Soulas, Susi, Talbot, Tanguay, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Carter, Chick, Conley, Connolly, Cressey, Dam, Emery, D. F.; Faucher, Kelley, R. P.; LaPointe, Lawry, Sheltra, Strout, Theriault, Wood, M. E.

Yes, 67; No, 69; Absent, 15.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-nine in the negative, with fifteen being absent, the motion does not prevail.

Thereupon, Senate Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Ladies and Gentlemen of the House: I don't think two days' debate would change many people's minds, but I am opposed to this legislation. I would just like to read a paragraph of a piece that was in the Lewiston Sun yesterday morning which applies to New York State.

"The effort to provide financial assistance to parochial schools has received another setback as a

result of a decision of the United States Supreme Court. To date, every scheme to use tax funds to go to the rescue of the private schools has failed to meet the constitutional test."

Would I be in order to make a motion to postpone the bill and the papers?

The SPEAKER: The gentleman is in order, yes.

Mr. DUNN: I would do that.

The SPEAKER: The gentleman, from Poland, Mr. Dunn, moves the indefinite postponement of L. D. 2047 and all accompanying papers.

Mr. DUNN: I would request a roll call.

The SPEAKER: The gentleman also requests a roll call.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I do want to assure you that the proposal that we have before us is constitutional. The busing of children is one which the Supreme Court has allowed. It has ruled on that issue separately, and that was done a number of years ago. The issue that was decided on Monday by the Federal Supreme Court deals rather with direct repayment to towns and to individuals for cost of parochial or private education; the two are separate.

I can't resist saying this, and I wonder if I could present the gentleman with four or five editorials from the Lewiston Sun, dealing with legislative reform as to whether we might change his vote. I am sure that we wouldn't have that effect and I am sure that he is not insinuating by reading from that one editorial that they are absolutely correct and that he is going to follow them until the end arrives of this legislative session.

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

Mr. McMAHON: Mr. Speaker and Members of the House: I would add very briefly to what the gentleman from Eagle Lake stated. It is my understanding that the Supreme Court did rule in favor of this type of assistance

in the Ebersson case, which I believe was 1947 or 1949. The court held at that time that the aid given was for the student, for the benefit of the student rather than for any particular religion or private school.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a few remarks here a few minutes ago that some of the people in the towns were against the paying for parochial schools.

I wasn't going to speak on this bill, but when I heard this here, I am wondering and it came to my mind that when they came to draft these people to go into the service if they were rejected?

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 Poland, Mr. Dunn, that Bill "An Act to Provide a Subsidy to Communities with Private School Enrollments" Senate Paper 685, L. D. 2047, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, P. P.; Birt, Bragdon, Briggs, Brown, Bunker, Cameron, Churchill, Crommett, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dudley, Dunn Dyar, Farnham, Flynn, Gahagan, Garsoe, Hamblen, Henley, Herick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelley, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McNally, Merrill, Mills, Morton, Murchison, Norris, Palmer, Parks, Perkins, Peterson, Pratt, Rollins, Santoro, Shaw, Shute, Silverman, Simpson, L. E.;

Snowe, Sproul, Stillings, Trask, Trumbull, Tyndale, Walker, White, Willard, The Speaker.

NAY — Albert, Berube, Binnette, Bither, Boudreau, Brawn, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Cooney, Cote, Cottrell, Curran, Deshaies, Dow, Driogtas, Dunleavy, Evans, Farley, Fecteau, Ferris, Finemore, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Jacques, Jalbert, Kelleher, Keyte, Kilroy, LaCharite, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McMahan, McTeague, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Pontbriand, Ricker, Rolde, Ross, Smith, D. M.; Smith, S.; Soulas, Susi, Talbot, Tanguay, Tierney, Webber, Wheeler, Whitzell.

ABSENT — Chick, Connolly, Cressey, Emery, D. F.; Farrington, Faucher, Good, Kelley, R. P.; LaPointe, Lawry, Sheltra, Strout, Theriault, Wood, M. E.

Yes, 67; No, 70; Absent, 14.

The **SPEAKER**: Sixty-seven having voted in the affirmative and seventy in the negative, with fourteen being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Correct Errors and Inconsistencies in the Education Laws (S. P. 417) (L. D. 1378)

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

Emergency Measure Later Today Assigned

An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation (H. P. 1630) (L. D. 2045)

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

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

Orders Out of Order

Mrs. McCormick of Union presented the following Order and moved its passage:

ORDERED, that Albert Theriault of Rumford be excused for the duration of his illness.

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

Mrs. McCormick of Union presented the following Order and moved its passage:

ORDERED, that David Emery of Rockland be excused for Thursday, June 28 and Friday, June 29.

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

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 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, the House voted to insist.

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

Joint Order Relative to Role of Students in Policy Making (H. P. 1643).

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

Pending — Passage.

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

House Amendment "A" (H-610) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: You might not have this particular amendment on your desk. I believe it is possibly being circulated right now. The only thing that I have changed in here, they had the Joint Standing Committee on Education. My amendment would put it into the Legislative Research Committee's responsibility to do the study.

There was some talk yesterday about putting an appropriation on it, the Research Committee appropriation is covered in the Part II budget.

Thereupon, House Amendment "A" was adopted.

The Order received passage as amended and was sent up for concurrence. (Later reconsidered)

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

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

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

Pending—Further consideration.

House enacted on June 27. Senate indefinitely postponed Committee Amendment "A" (H-471) and passed the Bill to be engrossed as amended by Senate Amendment "C" (S-239) in non-concurrence.

On motion of Mr. Martin of Eagle Lake, the House voted to insist.

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

Bill "An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands" (H. P. 1382) (L. D.

1812) which the House passed to be engrossed on June 26.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-269) in non-concurrence.

In the House:

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

Mr. SIMPSON: Mr. Speaker, I move the House recede and concur.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House recede and concur.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if someone very briefly could explain this bill as it exists with the amendment.

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 Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill is the bill that was introduced by the gentleman from Eagle Lake, Mr. Martin, was before the Public Lands Committee, and it was the bill that we reported out unanimous only to get it out and get it onto the floor so that we could send it to the Supreme Court for an opinion as to what we could or could not do with the public lands.

The public lands situation, I am sure you are well aware of, the committee is going to have quite a few problem areas in court decisions that will have to be rendered.

By seeking the opinion and finding out that we absolutely can use the public lands for something other than ministerial or educational purposes, and that they can be sold, transferred or swapped, what have you, that we have now taken this bill and in essence just taken our certain features of it that need to be placed into the law pertaining to what criteria should be used when the public lands are located, and one way

or another this will also give us another tool that we will be able to start our own proceedings in the courts pertaining to the old grass and timber rights.

It does strike out of the bill most of the portions that would allow the organization of townships in towns and plantations for the locational lots and then take them back out again.

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

Mr. DYAR: Mr. Speaker and Members of the House. There is one objection I basically have to this piece of legislation which could have been corrected previously. We have no protection here whatsoever for the unorganized townships where the public lots have not been located to prevent the present owners from completely stripping and annihilating what could be a potential public lot available to the people of the State of Maine.

Only recently a public lot located on the southwest corner of a lake in my district, a public lot of some 1,000 acres, a constituent came to a state agency and requested permission to tent on this public lot for the weekend. Now this public lot has been defined. The person in government referred him to a local forest ranger, which in my mind was passing the buck, and the forest ranger was more or less put on the spot because he did not know what to do in the situation.

Now we have numerous public lots in this state that have not been located. It would seem to me that there should have been some provision to at least locate these public lots as fast as possible, or at least on paper, or at least call for a moratorium on cutting or removing anything from what could be a public lot.

I think if you will look in certain areas of the state you will find that some corporations at the present time, knowing that the public lots would be located, have already stripped the timber from the land. I think if you look in northwest Franklin and a portion of Oxford County, you will find

townships up there now that in the last two years have become barren deserts because the company, which is an out-of-state company, knew full well that this state was going to take some action. So consequently, millions of dollars that could have been in the State General Fund have gone into another state, and the people of the State of Maine, to the best of my knowledge, have received little benefit.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I agree with many of the comments made by the gentleman from Strong, as you all know, the gentleman from Strong and myself and many others have been on the same side of many of these issues. I do sympathize with the problem as he has outlined it. There is a provision that remains in this bill that says that the Forest Commissioner and the Bureau of Public Lands that we created earlier this session will not sell out or transfer or exchange any property prior to a plan being done and being prepared and distributed, so we are protected in that sense. Of course we are not protected, as the gentleman does point out, in terms of their stripping it right now, if that is what they are doing.

Unfortunately there is very little we can do about that unless we were to pass a moratorium on the cutting on many of these lands, and it is very, very difficult, in particular where the areas have not been laid out, where the public lots have not been laid out. But I certainly hope that the corporations involved will not attempt to use the so-called loophole that might exist here as a way to try to cut without a plan which is supposed to be devised under this bill which will take effect 90 days after we adjourn. I certainly hope that if we come back here and they have done that, that this state would seriously consider imposing some sort of a restriction upon them and try to solve that problem.

I certainly hope that we would recede and concur. I realize that

this is not the perfect document, but it is a step in trying to solve the problem with public lots that we now have.

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

A vote of the House was taken. 106 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation (H. P. 1630) (L. D. 2045) (Emergency) which was tabled earlier in the day and later today assigned.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This really is a very simple bill. It only states that all proponents and opponents of referendum questions must file reports of receipts and expenditures each month on forms established by the Secretary of State. Most people don't realize this, but we already have separate forms for initiative or referendum questions. This is one in my hand now, it is four simple pages, but it does go into all the details necessary.

The second section defines when a candidate is actually a candidate. The gentleman from Eagle Lake, Mr. Martin, presented an amendment saying that in the first case, in reference to the referendums, we should use the complicated form required by the United States Government. And the second part of his amendment eliminated getting down of when a man is actually a candidate. He stated that this was the biggest loophole he had ever heard of, since a man could collect all his money and contract for all expenditures before even filing his petitions and not have to report these.

I stated at the time that this was already covered in the law,

but was told that I was wrong. I now have the law, Title 21, Section 1397, subsection 3, reads, "The report must contain itemized amounts of money received to date, and the names and addresses of the donor. It also must contain the itemized amounts of money spent and the liability incurred to date, the purpose and name of each payee and creditor."

Just defining when a candidate is a candidate, is not withholding any information from the public. What we want them to know is how much the actual candidate receives and spends. This is the person they will be voting for or against, and there is no reason to be concerned about the expenses of the noncandidate who never is seriously interested in running, but just wants some publicity and public coverage because he will not be voted upon, and the voters are not interested in this person.

The House defeated this amendment, the other body accepted the entire bill but offered an amendment at the very end to add that not only would the gubernatorial candidate have to file government forms which we enacted this year, over my objection, and you will not find that in Chapter 402 of 1973 public laws, but would also have to file other data. These other things would be almost impossible. One, a promise or agreement, even if only implied and not legally enforceable to make a contribution. In other words, I could say to somebody certainly, I will give you \$100 for your campaign and never give it, but they would have to report that.

The second was any agreement expressed or implied even though not legally enforceable to make an expenditure. You would go to somebody and say, certainly I will take out an ad in your paper, but you never do that, but that under the amendment would have to be reported.

Public opinion surveys which mention the candidates name and often newspapers or other organizations do this, but this would have to be reported.

Money paid to individuals to develop demographic data, which

means a study of the population, all computerized mailing lists and voting lists, it would be almost impossible to segregate these since various persons on committees and registrars and so forth are constantly working on this type of data. This was intended to make it more difficult and time consuming for gubernatorial candidates, and the reason is not clear to me since it would hurt both political parties.

If we really want the people to know the receipts and expenditures of the actual candidates, we will enact this bill. Nevertheless, we don't need either of these amendments, because with the bill they can find out in simple terms what each side is receiving and spending on the initiated referendum and on the gubernatorial candidates. The actual candidates will still have to fill out the complicated forms if they are going to run for governor.

If we defeat the whole bill we will only be proving that we really don't want to let the people know how much the power opponents and the proponents and also the other candidates are receiving and spending to further their cause.

I move the enactment of this bill and I request the yeas and nays.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As you recall, yesterday or the day before or the day before that, I don't recall when, but anyway, we discussed this issue and we were concerned, at least I was concerned about a number of problems that I saw. One was the problem of candidates not willing or not going to make the disclosures and secondly, the issue of whether or not the corporations involved would make their disclosures prior to July 1.

My original intention was to submit an amendment which would make this retroactive to January 1 of this year in order to take care of both the public power and the private power advocates.

At this point in time, in view of the fact that we are getting close to the end of the legislative ses-

sion, I am going to vote for final passage of the bill, but I am going to, in effect, do it asking both the proponents and the opponents of public power when the committees are formed, or that should have been formed, they ought to start filing as soon as possible and when they do file that I would call on them to make it retroactive to the beginning of the time they started to expend funds for the defeat or promotion of an issue.

Secondly, I am going to ask the candidates who run for public office, in particular gubernatorial candidates of both major political parties, that they try to tell everyone what monies they are getting and where it is going, and if we do that, then I think the purpose of what I had in mind is satisfied.

The gentleman from Bath, Mr. Ross, feels that the law covers that situation. I guess I don't read it quite that way but I am willing to abide by that decision.

Mr. Speaker, I would hope that you would all vote yes on final passage.

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

Mr. ROSS: Mr. Speaker and Members of the House: I compliment the gentleman from Eagle Lake, Mr. Martin, and I agree with him, but does his suggestion mean that the proponents of public power are going to have to report their receipts and expenditures before and during their collection of petitions?

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

Mr. MARTIN: Mr. Speaker and Members of the House: As far as I am concerned, the answer to that question is yes.

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

Mr. ROSS: Mr. Speaker and Members of the House: That is being more than fair.

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 Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker and Members of the House: I only have one question I would like to ask on this election law bill, and it is with regard to something that happened in the last two weeks. Being a member of the Maine Teachers Association, I received a mailer which came from a, not an announced candidate and certainly not one that is passing petitions, but certainly one that is recognized to be a candidate of one of the political parties. On that mailer which was also sent to state employees, members of MSEA, MTA, and people who are in the retirement fund, there was a question that I raised and I called the Portland Post Office to find out whose postal meter was used to mail all these items out. At that point I was told that it was one of the candidates or one of those who we recognize as a candidate from the other body.

Now I was wondering if maybe somebody, and perhaps the gentleman from Bath, Mr. Ross, would be the one to tell me, the expenses of mailing of some 20-odd thousand pieces of literature, are they reportable under this law, and will it be required to be reported and are not political activities, regardless if it was promoting a bill before the legislature or not? Was it, in fact, considered a political activity that should have been covered by some type of reporting law?

The SPEAKER: The gentleman from Gardiner, Mr. Whitzell, 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, Ladies and Gentlemen of the House: Being a member of that profession. I also got one of those on

L. D. 492. It was most interesting to be lobbied by another member of the legislature on an issue that I thought I had made up my mind on, but I did get one of those and I was intrigued to try to locate where it came from, and how it was funded and everything else. What it finally boils down to, I guess, as I understand it, half the postage was paid by MSEA and half of it was paid by this individual in the other body.

As far as I am concerned, under existing law this is not covered, and I think that this bill does nothing to change that. I think that as far as in the future, when this individual becomes an announced candidate, I think that if the gentleman from Bath, Mr. Ross, feels that the law covers him, I would think that if the law did not that he ought to report it at that time and that it ought to be included as part of the expenses of campaigning at that particular point.

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

Mr. ROSS: Mr. Speaker and Members of the House: To answer the question of the gentleman from Gardiner, Mr. Whitzell, if this person actually files his petition and becomes a candidate, this certainly will be required as an expense that he must file. I did not get one of these. Perhaps I am of the wrong political faith.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted of An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation, House Paper 1630, L. D. 2045. This being an emergency measure, a two thirds vote of all the members elected to the House is necessary. All in favor of passage to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly,

Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S. Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Farley, Farrington, Fec-teau, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Green-law, Hamblen, Hancock, Haskell, Henley, Herrick, Hobbins, Hoffses, Huber, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Susi, Talbot, Tanguay, Tierney, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard.

ABSENT—Ault, Cressey, Evans, Farnham, Faucher, Ferris, Gauthier, Immonen, Kelley, R. P.; LaPointe, Lawry, O'Brien, Santoro, Strout, Theriault, Wood, M. E.

Yes, 133; No, 0; Absent, 17.

The SPEAKER: One hundred thirty-three having voted in the affirmative and none in the negative, with seventeen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Order Out of Order

Mr. Bither of Houlton presented the following Order and moved its passage:

WHEREAS, the 106th Legislature convened on January 3, 1973, all members in good health, spirit and form; and

WHEREAS, the Honorable Richard D. Hewes of Cape Elizabeth, a personable and affable representative was elected Speaker of this Great Chamber on that day; and

WHEREAS, said Honorable Speaker assumed the duties of

his office with a philosophy of friendship and harmony; and

WHEREAS, in keeping with an affable open-door policy he has supplied the Members of this House, the "other" body, the legislative agents and visitors with delicious chocolate candy; and

WHEREAS, the Clerk of the House of Representatives has received numerous complaints from the Weight Watchers of America, based solely on over indulgence; and

WHEREAS, the Members of the House sincerely appreciate the generosity of the Speaker, but feel compelled to point out that as of January 3, 1973, the aggregate weight of our membership totalled 13 tons and as of this date this weight has increased to 14 tons; now, therefore, be it

ORDERED, that We, the Members of the House of Representatives of the 106th Legislature, be authorized to instruct the Building Superintendent to conduct a Special Interim Study to determine if the additional weight of the House presents a severe safety hazard to those fearsome individuals employed on the 2nd floor of the State House.

The Order was read.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I take umbrage with the last part of the sixth whereas where it says the aggregate weight of our membership totaled 13 ton and now has increased to 14 ton. I want to say that I have been on a diet all through this session, and I am going back to my original weight of 11 pounds and 4 ounces.

(Off Record Remarks)

Thereupon, the Order received passage.

On motion of Mr. Gahagan of Caribou, the House voted to reconsider its action of earlier in the day whereby Joint Order Relative to Role of Students in Policy Making, House Paper 1643, received passage.

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

Mr. GAHAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared to this order, and it isn't ready at the present time. I would appreciate it if somebody could table it until later in today's session.

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

On request of Mr. Birt of East Millinocket, by unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

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.

Non-Concurrent Matter

Bill "An Act Relating to Salaries of County Attorneys and Assistant County Attorneys" (H. P. 964) (L. D. 1285) which the House passed to be engrossed on June 18.

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

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Providing Full-time Prosecuting Attorneys and Public Defenders" (H. P. 1380) (L. D.

1861) which the House enacted on June 19.

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

In the House:

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

Mr. STILLINGS: Mr. Speaker, I move the House recede and concur.

The SPEAKER: The gentleman from Berwick, Mr. Stillings, moves the House recede and concur.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I will not make the motion I would like to because it would be an exercise in futility, but I would like to make a few brief comments. I consider certain actions taken today by persons in the other body to be unethical, irresponsible and certainly not befitting any member of the state legislature. I do not make these remarks to influence any member of the House nor do I refer to the other body as a whole. A certain person or persons in leadership there made us a promise which was intentionally broken today with no warning.

We had two district attorney bills before us, one was to be appointed and the other elected. However, the other bill called for appointed district attorneys and appointed public defenders. It was our understanding that the Governor approved of appointed public defenders, although he opposed appointed district attorneys. We hoped, because of this conflict, he might not veto this package so we would place it upon his desk. If vetoed, we would then go with the elected bill.

This bill was on our table in the enactment stage. I questioned our losing control by enacting it but finally went along because I was assured that the other bill would be held until the appointed bill was disposed of.

Today they went back on their word. I will admit that the whole body probably was not in on this at all, but at 10:45 this morning, they removed the appointed bill

which they had promised to pass and killed it. It contained appointed district attorneys and public defenders. They then took the other bill which they had promised to hold and immediately passed it. Now we do not even have a public defender bill which was in the Governor's message. And I do not think that this is a responsible way for persons in either body of this House to act.

Thereupon, the House voted to recede and concur.

Order Out of Order

Mr. Jackson of Yarmouth presented the following Joint Order and moved its passage:

WHEREAS, the Legislature has enacted legislation equalizing the financial support of school units; and

WHEREAS, future costs and means of funding such legislation are uncertain and yet to be determined; and

WHEREAS, the total impact of construction and transportation under the Act, when determined, may prove to be unduly burdensome to the taxpayer; now, therefore, be it

ORDERED, the Senate concurring, that subcommittees of the Joint Standing Committees on Appropriations and Financial Affairs, Education and Taxation be formed and authorized to study the overall cost of the Act Equalizing the Financial Support of School Units as recently enacted under chapter 556 of the public laws of 1973 to determine and project as near as possible the overall long-range costs of the Act and to what extent, if any, the high costs of construction and transportation will burden the taxpayer; and be it further

ORDERED, that the Departments of Educational and Cultural Service, Taxation, Finance and Administration and such other departments and agencies as may be determined by the Committees, be authorized and respectfully directed to provide the Committees with such information, technical advice and assistance as the Committees deem necessary to carry out the purposes of this Order; and be it further

ORDERED, that said Joint Standing Committees report the findings and recommendations with any implementing legislation of their subcommittees to the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be transmitted forthwith to said agencies specified herein as notice of the pending study. (H. P. 1647)

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

The SPEAKER: The Chair is very pleased to note at the rear of the Hall of the House the Premier of New Brunswick, the Honorable Richard Hatfield.

Would the Sergeant-at-Arms kindly escort the gentleman to the rostrum.

Thereupon, the Honorable Richard Hatfield was escorted to the rostrum, amid the applause of the House, the members rising, and addressed the House as follows:

The Honorable RICHARD HATFIELD: Thank you very much, Mr. Speaker, and Members of the House of Representatives: I just finished about 15 weeks at being in legislature and wound it up by doing three or four days of steady talking. I thought I had a whole summer off from doing it, so I really didn't have anything to say here but it is a great pleasure for me to be here in the State of Maine. I was telling the Governor this morning that I spent my boyhood, during the summer at least, at Old Orchard Beach. We used to spend the whole summer there and so I got to know Maine pretty well and really love this state very much. I am really very happy about the kind of cooperation that is going on now between the government of New Brunswick and the government of the State of Maine.

I wish you the very best of luck with your deliberations and I wish you also an early adjournment.

Thereupon, Mr. Hatfield retired from the Hall, amid the applause of the House, the members rising.

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

Non-Concurrent Matter

Bill "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731) which the House insisted on their action whereby they passed the Bill to be engrossed as amended by House Amendment "A" (H-584) on June 25.

Came from the Senate with that body insisting on their action whereby they accepted the Leave to Withdraw as covered by other legislation report and requesting a Committee of Conference.

In the House: On motion of Mr. Simpson of Standish, the House voted to insist and join in a Committee of Conference.

From the Senate: The following Joint Order: (S. P. 697)

ORDERED, the House concurring, that there be paid to the members of the Senate and House on January 2, 1974, as the final payment of compensation for the 1973 annual session as established by statute, the amount of One Thousand Dollars (\$1,000) according to a listing certified to the State Controller by the President of the Senate and Speaker of the House, respectively.

Came from the Senate read and passed.

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

The Chair laid before the House the following matter:

Joint Order Relative to Role of Students in Policy Making, House Paper 1643, which was tabled earlier in the day and later today assigned pending passage.

Mr. Gahagan of Caribou offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-611) was read by the Clerk.

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

Mr. GAHAGAN: Mr. Speaker and Ladies and Gentlemen of the House: I voted for the order yesterday and I see no great problem with it, but there was some objections from some members of the House who felt that we were going to be allowing seven and eight-year-olds to make policy decisions

about hiring and firing of principals in schools, et cetera, so I have presented this amendment with the advice and consent of Mrs. Lewis and all we are doing is removing the words "junior" and "senior" from the sixth line so that it will read: "Whereas students of high school levels who are capable are given the opportunity of playing a greater role in such policy making as self-government, therefore be it ordered."

Thereupon, House Amendment "B" was adopted.

Mrs. McCormick of Union requested a roll call vote on passage.

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

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

The SPEAKER: The pending question is passage of this Joint Order as amended. All in favor of passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berube, Bither, Boudreau, Brown, Bustin, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Dam, Davis, Dow, Drigotas, Dunleavy, Farley, Farrington, Ferris, Flynn, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Huber, Jackson, Kauffman, Knight, LaCharite, LaPointe, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Tanguay, Tierney, Tyndale, Walker, Wheeler, White, Whitzell, Willard.

NAY — Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bragdon, Brawn, Briggs, Bunker, Cameron, Carey, Carrier, Carter,

Chick, Churchill, Cote, Curran, Donaghy, Dudley, Dyar, Fecteau, Finemore, Fraser, Garsoe, Gauthier, Good, Hamblen, Henley, Hoffses, Hunter, Jacques, Jalbert, Kelleher, Kelley, Keyte, Kilroy, Littlefield, Mahany, McCormick, McMahon, McNally, Morton, Parks, Pontbriand, Santoro, Shaw, Sheltra, Shute, Sproul, Strout, Trask, Trumbull, Webber.

ABSENT — Conley, Cressey, Deshaies, Dunn, Emery, D. F.; Evans, Farnham, Faucher, Herwick, Immonen, Kelley, R. P.; Lawry, O'Brien, Silverman, Theriault, Wood, M. E.

Yes, 80; No, 54; Absent, 16.

The SPEAKER: Eighty having voted in the affirmative and fifty-four in the negative, with sixteen being absent, the motion does prevail.

Sent up for concurrence.

Mr. Sproul of Augusta was granted unanimous consent to address the House.

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: While we have a minute waiting for the supplement to be handed out, I thought I would like to bring to your attention this joint order that was just passed here and the cost of financing of L. D. 1994, it strikes me in particular of interest since I raised the questions on these very points when we were considering 1994 and there didn't seem to be any problems. Not many people were interested, so it rather amazes me that in such a short number of days that it could be acknowledged that they did not know what the cost was going to be on the construction and transportation elements.

Supplement No. 5 was taken out of order by unanimous consent.

Non-Concurrent 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) which failed of passage in the House on June 27.

Came from the Senate with the Resolution passed to be engrossed as amended by Senate Amendment "B" (S-272) and House Amendment "E" (H-600) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House recede and concur.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: A parliamentary inquiry. What is this House Amendment "E" under H-600? How did it get on there?

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In response to the question posed by the gentleman from Lubec, Mr. Donaghy. House Amendment "E" under filing number H-600 is an amendment introduced by the gentleman from East Millinocket, Mr. Birt, that was adopted in this body under the hammer that dealt with the problems dealing with various issues. I am sure that the gentleman from Lubec was probably referring to Senate Amendment "B" which the other

body adopted. That amendment changes the 99 member House to 132. That basically is what we are talking about on the motion to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: In further explanation, if I may, what this does is this: This Senate Amendment "B" was presented by the other body knocking this down to 132 to duck the two-thirds that was presented and amended in here. So this allows this to come in here without the two-thirds, by just a bare majority. Now when it comes back in here for enactment, that is when we separate the men from the boys. That is when you need the magic number 92. That is the explanation, and I thought maybe the gentleman from Lubec, Mr. Donaghy, just didn't read the amendment, because I am sure if Mr. Donaghy would have read it, I am sure he would have read through that.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to respond to that very briefly. It didn't seem sensible for the bill to come back here and be amended here while it was in the position in the other body to be amended and that is the proper time to do it.

I am sure that the gentleman from Lewiston would agree that if we were to amend the gasoline tax without the emergency, that is where it would be done also, if that is going to be done. I also would comment that the 132 was not a Senate idea but was a House idea on the part of a number of people who have expressed their feelings about the size of the House. I am sure that we ought to put the blame where the blame lies and not blame anyone else when they are not to blame.

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

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

House. I think the good gentleman is right, because I am sure that they couldn't have gotten two-thirds of this body to reduce the size itself. And again, the other body is now telling this body what to do by putting that amendment on. That is why they didn't put it on over here, because this body probably would have stood by its guns where it needed the two-thirds, so again, the upper chamber of the legislature sent it back to us in disguise.

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

Mr. STILLINGS: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I would simply like to suggest that this amendment does not make the package any more palatable to me, but I would like to inquire from any member who may have an answer. What would happen in the event this should receive passage if there were 66 Republicans and 66 Democrats? Who organizes the House of Representatives?

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Even numbers are nothing new. As you recall, we had the same situation in the Senate a few years ago when there were 32 members in the Senate. We have never had occasion in this state where we have ever had a split between 50-50 of two political parties, but I know that in other states where this has occurred, what has happened in some instances, for example, is that you have had in effect at times two speakers. You have had one speaker and half of the chairmen of one party and half of the chairmen on some committees of another party. This is not a problem.

I would remind you also that the U.S. Senate consists of 100 persons. They end up with ties from time to time, and most of the time the vice-president is absent, so he is not there to vote. He is out campaigning and or doing whatever he usually does; this is true not only of the present vice-president but the past vice-presidents

as well. I can well remember when vice-president Hubert Humphrey was around campaigning. He certainly wasn't present very often in the U.S. Senate and that is basically the same thing, so I am not worried about that size problem at all.

I suppose the same thing could happen when, and I don't know whether Androscoggin County has got an equal number of representation in terms of legislative delegation, but I am sure that at times we end up with the same effect there.

I think basically what you are hearing is opposition from the same people that are opposed to it anyway, and if we changed it all back to what it was before it wouldn't change one vote anyway. I think we might as well find out where we are.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment makes absolutely no difference to me. It is a ploy used by the other body only to distract us. It reduces the size of the House from 151 to 132 instead of 99, but it still leaves annual sessions, single member districts, and abolishes the council. They used it, as has been said before, to reject an amendment or to concur with a non-concurrent action requires only a majority. Then it would leave this body and must be engrossed, and that takes time so we would not see it again until tomorrow when it would need a two-thirds vote again.

Many have questioned the legislative council. Now many may know this, but I am sure the electorate never will. Article 4, Part 4, pertains to this legislative council and their duties. But on the same page, tucked in, is Article 5, Part 1, Section 2, which pertains to pardons. I was of the opinion that in reference to pardons the Governor was going to meet with the parole board and together they were going to handle these. However, after careful scrutiny I find out that this just eliminates the council and the Governor by himself will handle all pardons and paroles.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: When I spoke yesterday, I warned you that they would be throwing the bait at us. I hope that today we don't bite because we will get hooked. I am sure they will get the majority to pass this today with this amendment. I am also certain that tomorrow we will give the coup de grace.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to dignify anybody's position here by wasting too much time answering but it does seem strange that the gas tax would come in here all of a sudden and then Androscoggin County would come in all of a sudden.

The gentleman was asked a question he did not answer. What would happen if we had 66 Democrats and 66 Republicans? Who organizes the House? The answer was, it happened in the Senate, 32 members. There were never 16 Democrats and 16 Republicans. As far as that goes, they quickly saw the error of their way, because they changed it to 33. So it couldn't happen now.

All I am doing, and after I read it I would like to have one of the Pages come up and get this paper to give it to my young friend in the corner for posterity. All I am doing is reading from my newspaper. "McLeod vows to prolong session for reform bill. Leadership feels that a few more days is not a concern when it comes to getting action on this historic, far-reaching and significant legislation." If this is not something that could be called a ploy, as the gentleman Bath states, I don't know what is.

I guarantee you one thing, you can rest assured of one thing, that if tomorrow this bauble comes back and it fails to get the two-thirds necessary vote and goes back in there, just rest assured that there will be another amendment put on, and so the ball game goes on until we get tired and we decide to go home.

Please, I wish the Page would give this to the gentleman from Eagle Lake, Mr. Martin.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to respond to the question posed or not posed.

I want to thank the gentleman, I am sure that if you end up with 66-66 someone is going to be compromising. This perhaps is the time to do it, and that is the reason why you have it.

I would like to comment on the question posed by the gentleman from Bath, Mr. Ross. It is my understanding that the bill is pre-engrossed, we can act on it this afternoon, we won't have to wait until tomorrow morning.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of respect for every member of this House, and I have a great deal of respect for some of the people who have just spoken against this particular measure. However, today I have heard quite a few emphases on the other body. I think all of us have been around here long enough to know now how the political game can be played from one body to the other body and how amendments can be put on here and amendments put on there or taken off here and taken off there. I am sure a lot of you, especially the freshmen came in here and thought your bill was safe, only to find it was in the other body or suddenly was on the Appropriations Table and maybe now in trouble.

You have heard today about these emphases on the other body, and I would submit to you that these emphases are simply guises to take and try to say that we are not a co-equal branch of government and that we don't have the same prerogatives or powers to take and decide on issues as they do.

I think all of us know just exactly in the last days how things are handled to pass legislation such as this. This happens to be a proposal

that originated right out of this House, and it went over to the other body and we sat down in a joint leadership meeting to decide after conferring with many of you here on the floor as to exactly what you would like to have and the number in this package as far as the number of people in the body. It was a good consensus that people would like to have 132 and that is why the amendment is there.

I don't think I have to remind anybody that there is another half of this package that has got an emergency clause on it, and that there are a good many votes, and there are enough votes in the other body to put that amendment on that, to strip that emergency clause off the statute part of it to the point where we would be back here where just a simple majority would strip the council of every one of its statutory powers, except for the confirmation part of it.

We have talked about ties and who would organize the House. I guess you know when you square it off on an even status, that is where you separate the men from the boys. That is where you sit down and you start to come up and you do come out with a compromise or you come out with what I believe would be in the best interest.

Many states sit down and have even numbered Senates or Houses. The reason why the 132? Because we wanted to keep the Senate either on a three to one ratio or a four to one ratio with this body. The 132 does do just that; it puts us on a ratio of four to one.

The bill has been pre-engrossed, the bill can be run today. As far as the part of the Constitution pertaining to pardons, right, the Governor has been given the right to take and give pardon, but I think if you look in the statutory part of it, he offers the pardon after conferring with the advice and consent of the parole board.

Ladies and gentlemen, I believe that this particular amendment which is put on here is in the best interest of this particular package. I think that this package is a very fine package for the State

of Maine. It is a package which I believe is far-reaching, and I know that some people have been misquoted in the paper and some people have said that we might stay here for a long time to pass it. I believe a long time was spent here to pass the income tax. I am not putting this on the same level as the income tax. But we have a lot of legislation before us before we go out of here, and I would like to get out of here just as much as you would. I would like to get back to my business, I would like to get back to my family, but I came here, and I came here in January with the thought that I would stay here until every single bill has had its full say, its full vote, and its full chance, and that is exactly why if it takes some time to pass these or handle them, then I am committed to do it.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question either to the gentleman from Lewiston or the gentleman from Standish. What do you intend to do with the 18 female members of the House when you separate the men from the boys?

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, poses a question through the Chair to the gentleman from Standish who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. SIMPSON: Mr. Speaker and Members of the House: Well, we will see which way they go, with the men or with the boys, then we will make the decision.

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

Mr. DYAR: Mr. Speaker and Members of the House: I would like to be on record and have it entirely clear that I was not compromised into an amendment which would allow a 132 member House. Many of you, sitting here this afternoon have come to me and asked me if I was in concurrence with this thinking and I told you no.

I certainly hope that no one used my name to push this amendment. In my mind it is sort of ridiculous to go to 99 or 132 members and have it effective in 1983.

I found out through conversing with many people in the last two or three days that the impression that this reapportionment for a 99 member House would take effect in the 107th Legislature. Well, let me assure you the 107th, the 108th, the 109th, the 110th will be sitting here prior to a 99 man House or a 132 man House, and I am quite sure that these next four bodies will have the right to apportion the number of members they feel that they want.

Now it has been said here that we need an apportionment of three to one or four to one. It is quite apparent what has taken place on this floor in the last 24 hours. If we had an apportion of seven to one, we would still be behind.

Yesterday afternoon the gentleman from Lubec, Mr. Donaghy, made a statement on this floor and was challenged. For anyone who challenged the thoughts or the words of Mr. Donaghy yesterday afternoon, as to the political deals being made here and advantage being taken of on freshmen legislators, I would like to have them stand up and have them correct me here on the floor. I am ashamed that certain individuals in this body would take advantage of freshmen legislators and try to make offers to them that have no foundation whatsoever. I feel that I am no newcomer to the political process; I can take my lumps with anybody. But when my name, or what little value it can be used for, is attached to an amendment to reapportion this House to 132 members, I have no part or parcel whatsoever with this deal. I am still remaining firm with the change in the amendment to change the Governor's Council.

It has been brought up here that we may have a tie vote, 66 to 66 if we go to 132 members. I think the State of Tennessee had this same predicament, and they had an uneven body there, and the one independent controlled both parties. I certainly hope the 107th

Legislature of 69 or 70 independents does not control this body.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, my answer to the gentle lady from Bath, Mrs. Goodwin, I voted for the ERA, so that makes her even with me and me even with her. If she doesn't know how to take care of herself from there, that is her lookout.

The gentleman from Eagle Lake, Mr. Martin, said I am sure on the 66 tie there would be an area of compromise. I would like to ask him this further question. What area of compromise? 66 members of the House, the first fight would be, who gets this place? Usually the majority gets it. So now who gets this room? That would be the first rhubarb? Do we get it or do we wind up in 228? Or does the opposition get it, wind up in 228, or do we wind up in here?

Now secondly, what compromise? What Democrat will change his mind and vote to make it 67 to 65 and what Republican will vote to make it 67 to 65? There has got to be some humor somewhere, and I am sure that the gentleman from Eagle Lake, Mr. Martin, has some humor.

Now, for the gentleman from Standish, Mr. Simpson, I have read, I have heard, I have seen him on TV, not once but a half a dozen times, and he knows in the second part there is no such a thing as single member districts. And I have heard him time and again say, "No single member districts, no deal." Now how does he answer that one? How could he talk about the other picture when he has consistently and constantly stated in all the media, "No single member districts, no deal?"

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

Mr. ROSS: Mr. Speaker and Members of the House: I gather you have the entire bill there, but we are not now voting just on this amendment. The motion to recede and concur is on the whole package as amended, and we probably do not have a majority to do that.

However, I am a supreme optimist, probably too much so at times, so I would request we have this vote by the yeas and nays and that you vote against the motion to recede and concur, and that you vote as you plan to vote later and not facetiously just to try to fool the opposition.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To show you that we are not probably completely lost in what we are doing, 33 state houses now have an even number. Most states seem to have no specific provisions in constitution, statutes or rules to resolve tie votes at time of House organization. Some provide the balloting shall continue until some person shall receive a majority of all the ballots as Speaker. Presumably this is done in those state not having any expressed provision as well. Some provide that compensation of legislators be terminated if they fail to provide in a certain number of days. There apparently doesn't seem to be any indicated way for a tie breaker, although it is indicated from this research that was done, if one person happens to be out for any time, the tie vote is automatically broken. But likewise, the same situation could prevail at 99. If you happen to have one person out sick you have got 98 and you could have a 49-49 position.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I guess over my years I have spent enough hours in time on some athletic courts or athletic fields, and I have also spent a lot of time debating issues and so forth, and you know I guess I am willing to take and take my chances and if I lose to a better man I lose to a better man. The tactics the other party uses never really bother me too much. I like to keep them above the table, but if they don't, they don't.

I know I have had people come, jokingly I guess and so forth, and maybe not jokingly, and ask if we

want to twist their arm or if we want to do this or if we want to do that. I know I have sat down and I have talked to some people and I have discussed the package with them, and I have discussed just exactly what is in the package, but I would like to tell you that I do resent very much when the opposition feels that they are the only ones that can muster the big guns or the only ones that can muster the stories or start this or start that and present their side of the story. I am willing to let them. I am willing to let the entire council come up on the floor out here and stand here and fight for what they think is right. That is fine, it's the council that is at stake right here. There is no doubt about it. They have been out here, they have been out here and they have had plenty to say and I am not saying it is all above board or all below board, but that is their prerogative. If the opposition wants to pick up their side of it, well let them pick it up.

As far as I am concerned, I am committed to the package, and if I go to the people in this House, I am going to the people and I am going to discuss the package and what is in it. And I resent very much — and I don't know whether the gentleman from Strong or anybody else or the gentleman from Lubec, Mr. Donaghy, who used to suggest certain things around here which border on criminal acts. If I am, maybe as a member of leadership, inferred to being part of that, I do resent it. I believe we both have our battle grounds and I think we have them drawn and we can go ahead and fight.

I am willing to fight and willing to walk out of here with the opposition afterwards and I would just as soon do it anytime and I don't think that I am going to lose any friends or am I going to make any enemies with those people who vote against us. But I do resent the fact that some people feel as though they can twist arms or they can do some things, but it makes a difference on which foot the shoe is on and I say that we have our shoes on the feet that we want them on and we should therefore leave that part of it out of it.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I am opposed to this package as many of you know. I like everyone in the Senate and I like everyone in the House. Through my teaching in life, I was taught one thing, speak well of those who do spitefully use you because some day you may want them to promise you a job.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I always find it difficult to follow the gentleman from Oakland, Mr. Brawn. The gentleman from Eagle Lake was quite concerned about some arm twisting and he wanted to know some specifics. I would ask him if he can recall his own conversations today with the gentleman from Dexter, Mr. Keyte? If in fact they are not afraid, if they are saying that they are not twisting arms, then why don't they put this bill off to one side, strip the Appropriations Table, show their good faith and then come back to this bill?

I saw a giant fall today. The vote hasn't been taken as yet, but it is my understanding that this man has fallen. He was a rough man. I grew to like this man, to respect him and admire him, a man who has said on the floor of this House many times that he could not be bought, he was not for sale, he was his own man and what have you. Today, he fell after just a small talk with a President of the Senate after he was assured of how his district would be taken care of. The State of Maine is a little smaller for his falling, but so is his home town of Skowhegan.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I resent and I refute the remarks of the gentleman from Waterville, Mr. Carey. If he is trying to imply that I suggested

to the gentleman from Dexter that I was going to use the Appropriations Table in order to get his vote, he is about as far out as I could ever possibly try to be. I don't think the gentleman ought to consider and ought to dare to suggest to anyone that I would dare to try to do anyone and have any harm imposed upon any member of this body.

I suspect that if I had appointed the gentleman to the Appropriations Committee, it wouldn't have been a problem at all.

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

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: I think the gentleman is very well aware of his conversation with Mr. Keyte and I know that he knows himself that it had absolutely nothing to do with the Appropriations Table, but rather revolves around pardons. And for him to infer that I am not happy with his package because I was not on the Appropriations Committee, this is probably the third time that he has mentioned this in the course of this session. I have served I hope, quite well on the committee that I finally did get.

Mr. Martin of Eagle Lake was granted permission to speak a third time.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Obviously the gentleman from Waterville was not present in my conversation with the gentleman from Dexter. If he had been, he would have been aware that the gentleman from Dexter was concerned about the fact that there was a pardon pending before the council. He was concerned that his vote could influence what the council would do. I told the gentleman that I thought that he was wrong, that the council would not use that against him and I also told him that under this package, if this passed, that the council wouldn't be around to object to it.

I am sure that the council, even though they have opposed this openly, would never consider using that to try to suggest to any

member of this House how they ought to vote. I did not under any circumstance suggest to the gentleman how he ought to vote. I did not suggest at all what he ought to do. The gentleman from Waterville is obviously attempting to try to use examples that did not occur to satisfy his own wishes.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: In reply to my good friend, Mr. Carey, he was not present at any time when I talked with the gentle lady from Portland, Mrs. Kilroy, or with the gentleman from Portland, Mr. O'Brien. Neither did I go down into the other chamber to speak to anyone about districting. The statement I made in the hall was that the 132 member House was a better situation to me in my area than 151 members, because what this would mean when the reapportionment comes, it would mean that they would not divide a town and slice a piece off.

I have had bills before this session and in my estimation they have been good bills, because they have been bills that deal with the individual and the protection of individuals and I speak of the bill having to do with tax liens. I didn't get too much support from that because the big guns came out and they did their job and I was shot down. I took my defeat. I have lost several bills this session. I can win them and I can lose them, but I have made no deal with anyone. I will vote the way I see fit. I have nothing against the 132 member district, I like the idea. I did not like the idea of the 99 because I think it would put too much burden on the people, but I think a legislator can handle 8,000 or 9,000 with no problem.

Mr. Carey was not there, and I would suggest to Mr. Carey that he get his facts straight the next time because otherwise I think he makes a very poor legislator and a very poor man for the City of Waterville.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I think it is really too bad that we are bringing the accusations forward here in this type of debate. I think really we are here elected by the people to serve the people and I think that by voting on this constitutional amendment, giving the people the right to vote, to decide by themselves if they want 132 representatives, 99 representatives or 151 representatives, I don't care what the number is, give the people the right. This is the question here today. This is a constitutional amendment; it goes to the people to give them the right.

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

Mr. FINEMORE: Mr. Speaker and Ladies and Gentlemen of the House: I cannot go along with this 132. I will explain to you very simply with a very simple reason. In our southern district, beginning with the gentleman from Easton, Mr. Mahany, Mr. Walker and myself, we would have 88 miles. We are three districts now. Where there are three districts, there would be two and they would be 88 miles long and some 50 miles wide.

Ladies and gentlemen of this House, no one can do justice by the people in that large a district. So I will still stick to the 151.

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

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I don't have any fight left in me at this point in the game. I am a bit old and I didn't come here to really fight. I do have several reservations. I am very concerned with this document and I hope you don't vote to reconsider it. I also hope and I would ask you, please, for the sake of the people of the State of Maine, read the document which you are about to vote yes on, some of you people. I am sure if you have all read it, you would have other reservations the same as I have.

It is too big a document and I won't go through it page by page. I will just start on page one. Take ten acres of a person's land without the consent of the owner — two people, the Governor with the consent of the Attorney General. It used to be with the consent of the council which was seven people and generally there were some intelligent ones in the bunch. Go to page two, the two top paragraphs on page two. It is a several page document. I certainly don't have all the afternoon. I would like to have the time but you would say I was filibustering if I took the time to read this whole document and say what my objections were because they are that many.

On page 18, Section 63, I will tell you this — part of section 63 — the Governor under the contingency fund, the amount of \$800,000, nobody has to say anything about it, just the Governor. Page 19 under Section 1585, transfer all unexpended appropriations from one department to another. And this goes on and on without any strings, make pardons and many other things.

This is not the wrong bill, this is what this package will do. I know what I am talking about. I am talking about the package deal that is before you —

The SPEAKER: The Chair would inform the gentleman that we are discussing the constitutional amendment at this time and not statutory changes.

Mr. DUDLEY: I know you are but they are included in this and that is what I am talking about.

The SPEAKER: Would the gentleman confine his remarks to constitutional portions please.

Mr. DUDLEY: I will put it this way. I think you have felt the heat. I hope to see the light. I hope I have made you see the light, you have already felt the heat. See the light and vote not to reconsider.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: As I stated a few minutes ago, it has been my policy in life

to speak well of everyone. My town borders on a city that has a mayor. That mayor's character is under question. He is one of the swellest mayors that Waterville ever had.

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

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of the House: When this package first came out, they had it down to 99 members. That meant a reduction of 52 members. That meant that 52 people here would be absent when it comes to convene again. Now all of a sudden in a very short space of time, within a matter of a few hours, when they saw that they could not get what they wanted in the package, to make it more palatable, they brought the number up to 132. That means that there are still going to be 19 people missing from here who I believe should be here.

I really believe that we should maintain this House at 151.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I think that we should try to keep a few facts straight. The comment has just been made that if we stayed at 99, there would be 52 people who wouldn't be here next session. I think if they would read the bill thoroughly, it would indicate that this apportionment would be done in 1983 for the incoming legislature of 1985. The same thing applies right now. This does not apply immediately. This takes effect in the apportionment that will be done in the following biennium in the 1980s. The constitutional provision we are considering right now calls for 151 members in the 107th Legislature.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I see a great newspaper man who I have great respect for over here listening to all this argument and I am sure the legislature is not raising itself in his esteem.

I don't think the question of 1983 membership in this House is a very

major, pertinent thing. The whole thing is this idea of change. It is called reform. I went down the dictionary today and I looked up the meaning of the verb reform and the first meaning is, to get back to our original good state. I think it is very unintelligent at this time in our legislature, when we have a special session coming up to try through duress and force and all kinds of things to change the opinion.

This 107th isn't done yet. We have this special session and we have the whole fall, when it is cooler weather, and January, when it is colder weather, to come back and make an intelligent decision. This political game—if we ever did this in school or on the athletic field, we wouldn't be there very long. The simple game of politics is sometimes very very sickening to my heart.

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 Standish, Mr. Simpson, that the House recede and concur with the Senate on L. D. 2040. All in favor of receding and concurring 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, Curtis, T. S. Jr.; Dam, Dow, Drigotas, Dunleavy, Farley, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Huber, Jackson, Jacques, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Mad-dox, Martin, Maxwell, McHenry, McKernan, McMahan, McNally, McTeague, Morin, V.; Morton, Mulhern, Murchison, Murray, Na-

jarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Tierney, Trask, Tyndale, White, Whitzell, The Speaker.

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

ABSENT—Cressey, Emery, D. F.; Farnham, Henley, Kelley, R. P.; Lawry, Theriault, Wood, M. E.
Yes, 77; No, 66; Absent, 8.

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

Senate Amendment "B" (S-272) was read by the Clerk and adopted in concurrence.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "E" and Senate Amendment "B" and sent to the Senate.

Supplement No. 6 was taken up out of order by unanimous consent.

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 enactment in the House on June 27.

Came from the Senate with that body insisting on their action whereby the Bill was enacted.

In the House:

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

Mr. **BIRT**: Mr. Speaker, I move this be tabled until later in today's session.

(Cries of yes and no)

The **SPEAKER**: The Chair will order a vote. All in favor of this matter being tabled until later in today's session pending further consideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the House voted to recede and concur.

The **SPEAKER**: The pending question is passage to be enacted. This being an emergency measure, it requires a two-thirds affirmative vote of the entire elected membership of the House. All those in favor of this Bill being passed to be enacted 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 Calais, Mr. Silverman.

Mr. **SILVERMAN**: Mr. Speaker and Members of the House: I would just like to bring it to the attention of the House that if this bill is enacted, then there is a possibility that the single-member districts is being put out, that there would be no more bargaining power, and I hope you would all consider this when you vote and vote no on its enactment.

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

Mr. **MARTIN**: Mr. Speaker and Members of the House: I would

pose a question to the gentleman as to how he voted on the last bill?

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I think the minority floor leader knows how I voted on the last bill.

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

ROLL CALL

YEA — Albert, Ault, Berube, Bither, Boudreau, Briggs, Brown, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dunleavy, Farley, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Huber, Immonen, Jackson, Jacques, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Talbot, Tanguay, Tierney, Trask, Tyndale, Wheeler, White, Whitzell.

NAY — Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cottrell, Curran, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farrington, Faucher, Finemore, Fraser, Hancock, Herrick, Hoffses, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, McMahon, McNally, Mills, O'Brien, Parks, Pratt, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Sproul, Stillings, Strout, Trumbull, Walker, Webber, Willard, The Speaker.

ABSENT — Cressey, Emery, D. F.; Farnham, Kelley, R. P.; Law-

ry, Theriault, Wood, M. E.

Yes, 82; No, 62; Absent, 7.

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

Sent to the Senate.

Messages and Documents

The following Communication:

THE SENATE of MAINE

Augusta

June 28, 1973

Mrs. E. Louise Lincoln

Clerk of the House

106th Legislature

Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed — Joint Order (H. P. 1641) Relative to Legislative Research Study of the Maine Milk Commission.

Respectfully,

(Singed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

Passed to Be Enacted

An Act Exempting "Trade-in" Property from the Stock in Trade Tax (H. P. 679) (L. D. 886)

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 to Provide a Subsidy to Communities with Private School Enrollments (S. P. 685) (L. D. 2047)

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

Mr. Simpson of Standish requested a vote on passage to be enacted.

The SPEAKER: The pending question is passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

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

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.