

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

Friday, June 29, 1973

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

Prayer by the Rev. Mr. Herbert Reid of Fairfield.

The journal of yesterday was read and approved.

The SPEAKER: The Chair wishes to apologize initially to all of you. I thought we would be adjourning today. Yesterday afternoon after the conclusion of this session and the Senate had adjourned for the day, the joint leadership of both parties of both Houses met in the old Executive Council room, we discussed matters not relating to the Appropriations Table. I would like to have had a meeting last night to discuss the Appropriations Table, but due to circumstances over which the House members had no control, that meeting was not held. Therefore, we will not be adjourning today. The plan is to adjourn today until 10 o'clock Monday and we will come back Monday and give us a chance not to rush through things, which might happen if we were to try to come back tomorrow. In addition, there is a boat ride I know that many of you are committed to.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Speaking for one member, that is myself as a lowly member, as far as I am concerned I think this House ought to commend the Speaker for the efforts that he has made towards having us adjourn this House and saving the time that we could have saved.

I for one commend him. I know exactly what has transpired, and I think the Speaker is very kind this morning and believe me when I tell you that he has done everything possible to make adjournment a reality today, and I commend him for it and I think we all do. (App'ause)

The SPEAKER: I thank you very much for that standing ovation, and I want to say that the

members of both parties in the House have been cooperating and attempting to bring this session to an end.

Unfortunately, the bills are not physically in the House at the present time.

(Off Record Remarks)

**Papers from the Senate
Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Provide a Subsidy to Communities with Private School Enrollments" (S. P. 685) (L. D. 2047) which was enacted in the House on June 28.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" as amended by Senate Amendment "B" thereto in non-concurrence.

In the House:

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

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

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

Mrs. BAKER: Mr. Speaker, has the newest Senate Amendment been distributed?

The SPEAKER: The Chair would state that changes from about \$640,000 to \$300,000 the amount involved.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending his motion to recede and concur and later today assigned.

(Off Record Remarks)

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.

Orders of the Day

On the disagreeing action of the Legislature on Bill "An Act Relating to Joint Standing Committees of the Legislature." Senate Paper 560, L. D. 1731, the Speaker appointed the following

conferees on the part of the House:
Messrs. HEWES of Cape Elizabeth
SIMPSON of Standish
MARTIN of Eagle Lake

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

ORDERED, that Scott M. Amero of Cape Elizabeth be appointed Honorary Page for today.

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

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

WHEREAS, on June 22, 1973, Kermit S. Nickerson, Deputy Commissioner of the Maine State Department of Educational and Cultural Services retired from office after forty-seven years of service to Maine education; and

WHEREAS, Dr. Nickerson served as a teacher, a principal and a superintendent of schools in Maine before joining the department twenty years ago and gained the respect and admiration of countless students and teachers while promoting and exemplifying the highest ideals of public education in a democratic society; and

WHEREAS, his twenty years in the department have included important periods of service as the State's Commissioner of Education when, as was true throughout his career, he encouraged improvement, provided leadership and ensured stability; and

WHEREAS, through membership in many professional national educational organizations and through authorship of books, pamphlets, articles and memoranda he has continually represented the State of Maine's public education programs in the finest manner possible; and

WHEREAS, his thorough and un-failing knowledge of all laws, procedures, policies and, most important, history related to Maine education, and his calm, courteous and comprehensive manner of impounding this knowledge to others has been of immeasurable benefit to Members of the Legislature, among others; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine, now assembled, pause in our deliberations to salute Dr. Kermit S. Nickerson who is entering retirement after a long and dedicated life of service and accomplishment and to express our hope that this merited recognition and earned applause will endure through the years to come; and be it further

ORDERED, that a copy of this Order signed by the Speaker of the House of Representatives and the President of the Senate with the great seal of the State of Maine attached, be presented to our retiring friend in honor of the occasion. (H. P. 1648)

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of comments. I think probably most of all of us are well acquainted with Doctor Nickerson. I think probably he is one of the most respected, outstanding men that we have ever had the privilege of serving with in state service. I think many of us are sorry to see him leave the Department of Education because we depended greatly on him for his kind counseling that he gave us many times in discussing all matter relative to education. I know that we certainly hope him a well honored retirement.

Thereupon, the Order received passage and was sent up for concurrence.

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

ORDERED, that Nancy Clark of Freeport and David Bustin of Augusta be excused for the rest of this session to attend an NEA Convention.

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

The Chair laid before the House the following matter:

Bill "An Act to Provide a Subsidy to Communities with Private School Enrollments" (S. P. 685) (L. D. 2047) which was tabled earlier in the day and later today assigned pending the motion of Mr. Martin of Eagle Lake that the House recede and concur.

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

Mr. GARSOE: Mr. Speaker and Members of the House: A point of inquiry. What status would this leave the bill in?

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

Mr. MARTIN: Mr. Speaker and Members of the House: In response to the question, this bill was enacted in this body yesterday with an appropriation of \$645,000. The amendment would leave the bill the way it went through here. But instead of having \$645,000 as an appropriation, it would be an appropriation of \$300,000, which is what the Department of Education now indicates that is what is the figure.

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

Mr. GARSOE: Mr. Speaker and Members of the House? What would the parliamentary position of the bill be? Would that bill then be susceptible to a motion for indefinite postponement?

The SPEAKER: Not at this time. You may either recede and concur which would mean to go along with the Senate, you may insist, which would mean to stand on our position of a \$645,000 appropriation or adhere which would do the same thing. This will be back later for enactment.

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

Mr. DONAGHY: Mr. Speaker and Members of the House: I would ask the gentleman from Eagle Lake or anyone else who cares to answer through the Chair whether or not this cut is because the time period is covered by the appropriation or whether it is a difference in the actual needs for the bill?

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

Mr. MARTIN: Mr. Speaker and Members of the House: It is a cut because of the actual need. What happened was that when the Department of Education computed the figures, they computed it based on the number of students that were enrolled, period. Of course as the gentleman well knows, over half of those children walk to school anyway and they are not recipients of the bus transportation, therefore they would not be covered by the passage of the act. The department forgot about that and they failed to properly compute the number of students that would be covered by the legislation and that is why there is a cut and a reduction in the appropriation amount.

Thereupon, the House voted to recede and concur.

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.

Mrs. Goodwin of Bath presented the following Order and moved its passage:

ORDERED, that Megan and Rebecca Havens of Wiscasset be appointed Honorary Pages for today.

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

Mr. Binnette of Old Town presented the following Order and moved its passage:

ORDERED, that Kenneth Chapman of Old Town be appointed Honorary Page for today.

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

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

Mr. SIMPSON: Mr. Speaker, I would ask if the House is in session of L. D. 2040?

The SPEAKER: The Chair would answer in the affirmative. Resolution Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and 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) is in the possession of the House.

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

Mr. SIMPSON: Mr. Speaker, I move that we reconsider our action whereby we voted to recede and concur with the other body.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House reconsider its action whereby it voted to recede and concur.

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

Mr. ROSS. Mr. Speaker and Ladies and Gentlemen of the House: I have four short parliamentary inquiries that I would request of the Chair.

The SPEAKER: The gentleman may pose the inquiries.

Mr. ROSS: First, on this motion to reconsider our action whereby we receded and concurred, I understand this requires a simple majority.

The SPEAKER: The Chair would answer in the affirmative.

Mr. ROSS: The second motion will probably be to recede. Does this require a simple majority?

The SPEAKER: The Chair would answer in the affirmative.

Mr. ROSS: The next would be to offer an amendment. Does this require a simple majority?

The SPEAKER: The Chair would answer in the affirmative.

Mr. ROSS: I then understand that the item would go to the other body and come back in the enactment stage which requires two-thirds vote of all those present and voting. Is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Mr. ROSS. Then I respectfully suggest that after the amendment is offered and a few speakers who are interested in it speak on it, that the rest without debate until we get it back in the enactment stage for a two-thirds vote. I only request this to expedite this situation and get us out as soon as possible.

Thereupon, on motion of Mr. Simpson of Standish, the House voted to reconsider its action whereby it voted to recede and concur.

On further motion of the same gentleman, the House voted to recede from passage to be engrossed.

Thereupon, Senate Amendment "B" was adopted in concurrence.

Mr. Dyar of Strong offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-615) was read by the Clerk.

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

Mr. McNALLY: Mr. Speaker and Ladies and Gentlemen of the House: May I ask a question of somebody who may answer it?

The SPEAKER: The gentleman may pose his question.

Mr. McNALLY: What is the date of the first Wednesday in January of the first regular session of the legislature?

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

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

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: The intent would be the first Wednesday in January, 1975. The day that that 107th Legislature will sit.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: For anybody's information so they can get prepared, it is New Years Day.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: In this morning's paper it was reported that supposedly an amendment was going to be offered to this body concerning the reform package and in the reporting by the reporter, it stated that it was a possibility that I or Representative Dyar would offer it. I have no intention of offering any amendment. I had no conversations with Representative Dyar concerning the amendment, and I am sure that he so states to that fact.

I am not in favor of the amendment nor am I in favor of the bill and I think that you people who have known me, since I served with you in past legislatures and this one, and I have gone out on a limb a few times with some of you and I have always been able to hold my ground and I don't try to amend a bill to—if it is a case to make an excuse for myself for voting for it. I never had any intentions of supporting an amendment of this sort, never have discussed it with my good friend from Strong about co-sponsoring, co-authoring or co-working in putting an amendment on it and the papers who reported it didn't report the facts, and I am sorry that they were not able to contact me to clarify it.

I am not for this package if they amended it to death, with the exception of one or two possibilities, as you well know, and I am sure that I don't have to tell you what they are.

Thereupon, House Amendment "F" was adopted.

The Resolution was passed to be engrossed as amended by House Amendment "E", Senate Amendment "B" and House Amendment "F" in non-concurrence and sent up for concurrence.

On motion of Mr. Simpson of Standish, by unanimous consent ordered sent forthwith.

On motion of Mr. Ross of Bath, the House voted to take from the table the second tabled and unassigned matter:

Bill "An Act to Provide a Maine Homestead Property Tax Exemption Law" (H. P. 1468) (L. D. 1894) New Draft (H. P. 1588) (L. D. 2016)

Tabled—June 8, by Mr., Ross of Bath.

Pending—Motion of Mr. Susi of Pittsfield that the House accept the Majority "Ought not to pass" Report.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I hope the House will reject that amendment so that we may in brief fashion recall the merits of the bill which we dealt with some two or three weeks ago so we may proceed with the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 20 having voted in the affirmative and 107 having voted in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time.

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

House Amendment "C" (H-612) was read by the Clerk.

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: The principal portions of House Amendment "C" include first of all, in the first paragraph, a reworded definition of "fair market value" which would expedite and economize the administration of this act. We also include a statement of intent regarding the protection of our veterans and senior

citizens and the exemption and other tax equalization procedures that they now enjoy and the principal element of the amendment is to reduce the level of the exemption from \$5,000 to \$2,000 to keep it in line with funding which may be available.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I am very much in favor of the concept of this idea, the bill and the amendment just presented by the gentleman from Brunswick. I notice it has a price tag on it of \$9.6 million, and I wonder if the gentleman from Brunswick or someone else could tell us from whence does this \$9.6 million come from. Is it presently available and would it be available without additional taxation?

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: In response to the gentleman my good friend from Casco, Mr. Hancock, in these last days we have heard many questions and many magical solutions. I wish I could offer one in regard to this bill.

We have heard, for example, that another bill that involves an even greater amount of revenue might be available to us through the proceeds of the lottery which, as I understand it, has to go to referendum with the people and therefore has a bit of uncertainty.

We would hope that with the funds available, we would hope that at least the legislature would favor this concept at this time, go on record and inform the people of that. There is the possibility that another bill on our unassigned calendar before us, which this House has overwhelmingly approved in the past, which would only affect those of our citizens and colleagues who are so fortunate as to enjoy very large incomes that would sufficiently fund the bill.

Thereupon, House Amendment "C" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "C" and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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.

Supplement No. 1 was taken up out of order by unanimous consent.

Enactor Reconsidered

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)

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

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

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

The same gentleman offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" (H-615) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Members of the House: I would just briefly explain why I have

gone through this complicated procedure. I am doing it at the request of the chairman of the Public Lands Committee. This is to amend an amendment to this bill, 1812. The original Senate Amendment took out quite a bit of the contents of the bill, and this House Amendment now restores a good portion of that because of various reasons connected with the recent Supreme Court decision on public lands, and the chairman of the committee felt that this was the wish of the committee. So I offer this House Amendment and move its adoption.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

The Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

On motion of Mr. Simpson of Standish, the House voted to take from the table the first tabled and unassigned matter:

Bill "An Act Revising the Rate Tables of Tax Imposed on the Income of Individuals" (H. P. 835) (L. D. 1105)

Tabled — June 7, by Mr. Birt of East Millinocket.

Pending — Passage to be engrossed.

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

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

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

Enactor

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 Council of Confirmation 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) (S. "B" S-272) (H. "F" H-615). Constitutional amendment

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

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

Mr. ROSS: Mr. Speaker and Members of the House: I heard the comment made today that people would not understand all of this because it was just too complicated when they saw it before them at the polls. I trust the voters' decisions when they know the facts, but the question they are going to see on their ballot is going to consist of between 12 and 13 lines and 127 words. If they read this very carefully, they will know what they are voting on, annual sessions, single member districts, reduction in the size of the House, abolishment of the Executive Council, establishment of Legislative Council of Confirmation, and that the Chief Justice of the Supreme Court will swear in the Governor. By the way, I heartily approve of this last provision.

Nowhere would they realize three things they are voting on, that the Governor would have sole power over pardons and commutations, and he would have sole power to remove civil office holders, that at all times the tenures of office shall be at the pleasure of the Governor alone. These are hidden in the resolution and not mentioned in the wording they will ever be voted on.

I trust the voters' ability to decide for themselves on any simple and understandable questions. Their intentions will be good on

these, but I sincerely believe it is much too complicated for a great majority.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: Rather than posing a question, I would ask for the help of any member of the House who is a better student of the bargaining yesterday than I.

It seems to me when the United States Constitution, which has served rather well for about 200 years was sent back to the individual states for ratification by the legislatures of those states, at least three or four of the states, if you will, sent the original United States Constitution out to the people, and I for one, I think all of us, 151, think the people did a pretty good job on that. They kind of fool us sometimes and they sometimes do a good job. I think they have a way of getting to the essence of things about issues and about people. I believe we should have some confidence in them.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: We have been debating this issue to date approximately three and a half weeks, not to count the endless caucuses, but as of today, now that all the objections have been cleared up through amendments, I feel very confident and optimistic that this bill will pass on this the 105th legislative day.

I personally have supported this entire package from the very beginning, even though it could cost me my own seat in this House. As you know, I live in one of Bangor's heaviest populated areas and also in one of the heaviest enrolled Democratic wards in Bangor. I believe the present ratio between Republicans and Democrats is four to one in favor of Democrats, but regardless of this, I believe the people should be given the opportunity to vote for legislative reform and for this reason I favor this bill. Why should I deny this opportunity to vote in a private or a public referendum? I also be-

lieve that it is up to us to restore their faith in we their representatives, especially with all the adverse publicity going on in newspapers, TV and radio.

I did not campaign on legislative reform nor have I ever made any promises for any particular legislation that I couldn't keep, but the majority of you in this House, through you own voting record, have convinced me this is a good package. That is why today I am very confident you are going to act responsibly to your constituents and vote in favor of this bill. So bite the bullet and invest in the future of Maine and state a benefit for yourself and for all the people we serve. The time is now; push the green go ahead button and enact this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I would almost call the voting for this bill like pushing the panic button, and I am not panicked. I still have my wits, and I still know good government from bad government and I am quite sure the people would, but I just don't want to put them to all that trouble. I feel as though if you send something out this big, if you put it in print so they could read it as big as this, which I know it won't be, it will be in very fine print, it would take two days for the elections. They will never do it in one day if the people read it before they vote, but they won't be able to. They will take care of that because they will put it so fine they can't read it, but that will be taken care of that way.

But now we say abolish the Executive Council. I am not really opposed to abolishing the Executive Council, not really, but I am opposed to setting up something that is much worse. I am opposed to freezing out people in this state with talent. All the talent in the State of Maine is not in these two bodies, and down through the years we have proven that by electing on these councils some of the ablest men that ever walked in the State of Maine. Now today, with this amendment we had a few minutes ago, if we accept this here, this

enactor which is before us, what we will be saying is that we must elect the President of the Senate and we must elect the Speaker of the House and these other members under this body.

Now that, you understand, is freezing out all the talent in the State of Maine that might qualify to serve in this body, and I don't think it should be that way. I am willing that these people should be elected either by the people or by the delegation from the county from which they come, but when you say these people must be from this body and the other body, you are saying that you are leaving out many qualified people in the State of Maine that I would like to see serve on this body. This is my objection to that.

Now when it comes to—after this is done, if you look what they do with the duties of the council and under the contingent fund one man has the say, no business would ever spend \$800,000, if they did, they would go bankrupt with one man having the complete say. It goes before boards and different people, more than one person has something to say on it, \$800,000.

On the opposite page of that same document you will find that they can transfer from one account to another and there is no limited amount. They don't say that they can any account under \$1,000 or any account under a million, it can be millions that can be transferred from one account to the other by one man.

Were you ever in business? Did you ever serve anywhere where you dealt with funds? I think this is a bit on the ridiculous side. I hope the people will, but they won't get to know about it. It will be in such fine print they won't even read it, and they will have a long line waiting to vote, and the votes will probably go into the second day if people do have a chance to vote. We have already got so many amendments for them.

I hope this doesn't pass, and I hope this is very similar to pushing a panic button if you vote for it. You have been here so long that I don't wonder that you would push a panic button or jump out the window. But I hope you hold your

senses just long enough to vote no, not to accept this.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Some of us who have spent some time in this body can remember back to some of the things that happened in previous legislatures. In 1965, we allowed co-sponsorship of bills, one Republican and one Democrat could co-sponsor a bill. One of the more interesting and I think the largest bill in volume that came out of that section was a bill that was put together by two gentlemen to strip from the Executive Council all other authority except the confirmation of major appointments which is expressed in the Constitution. Interestingly enough, the co-sponsors of that bill were a gentleman from Brewer, by the name of Mr. Libhart and a gentleman from Enfield by the name of Mr. Dudley.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I wonder if the gentleman from East Millinocket, Mr. Birt, would give me the name of the gentleman who vetoed the bill?

I have heard in the last three days more charges and counter-charges since I have been here in 1945. I have heard of the Table being used. I made my comments on that yesterday. I still hold my comments, that as far as I am concerned I have no proof at all that it has been used and I don't believe that it has been used, but just to set the record straight, just so everybody will know and that the people in the other body have got the privilege to do what they want to do, I have got the largest single, by far, item on the table in the other side, and if this item hinges on my voting on this bill, this bill is going down the drain.

I have heard enough in the last three days to fill me 14 times. Some of the comments that I have heard have sickened me, some of the comments that have been made that are not true have sick-

ened me. I dissertated at length yesterday as to my feelings concerning the House Chairman and the Appropriations Committee and the Senate Chairman, the full chairman of the committee, and I haven't changed my thinking one iota. I am voting for a principle and the principle says for me to vote against the enactment of this measure.

Mr. Ross of Bath requested a roll call vote.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I didn't intend to speak a second time but I must answer the Representative from East Millinocket, Mr. Birt.

It is true, I did sponsor a bill to take the statutory powers away from the council, and it passed both branches and was vetoed by a Republican governor. I still would like to do something about the council, but I don't want to jump from the fry pan into the fire. I don't want something that is worse. I don't want to take away from the council what was given to them by the Constitution. I would be willing to take away some of the statutes, or some of what we have given to them or all of it, as I did then. I have spoken on many occasions in my career here as thinking they had too much influence over government. I would be willing to take some of that away. I would be willing to elect the council by councilor district by the members of the House, and I would be willing to elect them at large by the people, because I think it is more representative of the people if they are elected. But what you are proposing here today I don't buy, and I don't believe the people will, and I think it is the next thing to ask in line, what you are asking them to do. I am for sensible government and I feel the bill that I sponsored was in that light.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: The second bill that we

will have at some point is the bill which basically does what the gentleman from Enfield, Mr. Dudley, wants. It would do just that. It would remove those powers and transfer the powers. As a matter of fact, it was that document that the staff people used as a basis to redraft the bill that we will have before us, the statutory bill. So he will have an opportunity to vote along that line if he so wishes.

In reference to the number of supposedly individuals that have been threatened or have been arm-twisted, et cetera, I think I can speak for the members of leadership and the members of at least my own, at least myself, the gentleman from Brunswick, Mr. McTeague, that none of us have tried to harass people and none of us have tried to twist arms.

It is quite true that we discussed with a number of people what their objections were to the bill, and we did so based on the simple fact which I thought we ought to find out what the membership thought as to what they thought they wanted to have done. I think that with the exception of four or five, and I mean this sincerely, most people did not, in my own caucus, did not go into any length to come to me, I went to them. A number of people came to me to give me their objections to what the bill was, and for that I highly respect them.

In view of the item of the \$25 million bond issue that is on the Appropriations Table that is sponsored by the gentleman from Lewiston, Mr. Jalbert, this is for school construction. It was part of the Governor's program and at no time would it ever be used in an attempt to harass himself in order to get his vote changed because it is by far too important for the people of Maine to do that. This is an idea which he conceived a number of years ago in order to change the system of repayment in an approach that would be by far much better. The bill is on the table, but it is just a matter of time before it goes out to the people, because this is in the best interest of the people of the State of Maine.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker and Members of the House: The program that I have got on the table, on the Appropriations Table, is not part of the Governor's program, it is a continuation of a program that I conceived a few years ago which saved millions of dollars. That is not the Governor's program, it is my program.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address myself to the bill exactly that you have before you. I would like to go back to the fact that I can remember, I guess, the very first few days when we started to discuss legislative reform, and at that time we laid out the areas that we felt should be discussed and put together in some type of a package, and that is exactly what it is, in the essence knowing all of us would probably have to compromise somewhere down the line.

My position on this package has been right from the word go, that single member districts had to be the one thing that the Republicans had to make sure was in the package and could be guaranteed in that package.

I think all of us are aware that the facts right here, that we know that is the one thing the Republicans have wanted ever since we gave it up to pass the sales tax a few years ago. In so doing, we know that we had to give in some concessions and it had to be the council, it had to be one of the things we had to concede to. Some of the other items that are in there I believe were written in the interest of the best government in the State of Maine. So, therefore, we have worked and we have worked and we have worked. I believe that where we are today is the result of a good many compromises, some gives, some takes, but yet not compromising the initial thing that we went after. I think I would have to remind all of you that the reapportion-

ment of this House is the responsibility of this legislature, and has got to be done by the 16th of January of this coming year. Therefore, one way or another we will have to go back in a special session in the fall or come back in a special session in January and try to reapportion the House. I am sure we are probably realistic and realize that we will never do it and it will go to the courts.

In this package is a constitutional amendment, a constitutional amendment which guarantees the Republicans, at least, single member districts, and I know that there are some Democrats that have reluctantly given this up for some of the other things that the Republicans are willing to give up.

If this goes to the people and the people wish to ratify it, then the Constitution will have been changed, and we will not have to reapportion this House prior to the 107th. Instead, the 107th will reapportion the House into single member districts for the 108th.

There are some people who are concerned about some parts of the statutory package and what would happen to that. When we pass this, we then should table the statutory package so we can put an effective date on that that would fall in line with this one. I gives us the opportunity to change the statutory provisions in one way or another at any time during the special session or any regular session by just a simple majority vote. Those items and little items that many of you have that might hang you up on this particular package, I believe you should set aside and consider those, that they can be taken at that time. I believe you should look at the constitutional part of it as to what the give and take has been and what it does mean to both parties and I hope that you will support the measure that is before us today.

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 the final adoption of L. D. 2040. This being a constitutional amendment, it requires a two-thirds vote of all those present and voting. All those in favor of final adoption will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ault, Baker, Berube, Birt, Bither, Briggs, Brown, Carter, Chonko, Churchill, Conley, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Farley, Farnham, Ferris, Flynn, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Hoffses, Huber, Immonen, Jackson, Jacques, Knight, LaCharite, LaPointe, L e B l a n c, Lewis, J.; MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Morton, Murchison, Murray, Najarian, Norris, Palmer, Parks, Perkins, Peterson, Pontbriand, Ricker, Rolde, Shute, Simpson, L. E.; Smith, D. M.; Smith, S., Snowe, Soulas, Sproul, Susi, Tanguay, Tierney, Trask, Tyndale, White, Whitzell, The Speaker.

NAY—Albert, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Cote, Cottrell, Curran, Davis, Deshaies, Donaghy, Dudley, Evans, Farrington, Faucher, Finemore, Fraser, Hancock, Herrick, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lawry, Lewis, E.; Littlefield, Lynch, Mahany, Merrill, Mills, Morin, L.; Mulkern, O'Brien, Pratt, Rollins, Ross, Santoro, Shaw, Silverman, Stillings, Strout, Talbot, Walker, Webber, Wheeler, Willard, Wood, M. E.

ABSENT — Bustin, Clark, Cressey, Dam, Dunn, Emery, D. F.; Fecteau, Gauthier, Kelley, R. P.; McMahon, Morin, V.; Sheltra, Theriault, Trumbull.

Yes, 80; No, 57; Absent, 14.

The SPEAKER: Eighty having voted in the affirmative and fifty-seven in the negative, with fourteen being absent, the Resolution fails of final adoption.

Sent to the Senate.

Mr. Tierney of Durham presented the following Joint Order and moved its passage:

WHEREAS, we all humbly serve in this Legislature in order to insure a better world for our most important natural resource, our future generation; and

WHEREAS, James Mathew Peterson joined us at 10:44 A.M. this morning, weighing in at 7½ pounds to become one of Maine's newest citizens; and

WHEREAS, his mother, Jane, is blissful at this event of presenting Tom with this, their first blessed event; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the 106th Legislature, now assembled in regular session extend our sincerest congratulations to Representative Thomas Peterson and his wife Jane on the birth of their son; and be it further

ORDERED that a suitable copy of this Order, attested by the Speaker of the House of Representatives and President of the Senate, be transmitted forthwith to these proud parents in honor of the occasion. (H. P. 1649)

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

On motion of Mr. Simpson of Standish,

Adjourned until Monday, July 2, at ten o'clock in the morning.