

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

Monday, July 2, 1973

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

Prayer by the Rev. Mr. Donald Jacques of Gardiner.

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

The journal of the previous session was read and approved.

Orders

Mr. Mahany of Easton presented the following Joint Order and moved its passage:

WHEREAS, Mrs. Villa Hayden Quinn of North Windham has faithfully served the interests of this State as Supervisor of Elementary Education and Curriculum Consultant over a period of thirty-seven years; and

WHEREAS, she is a talented person of great personal charm who has contributed significantly to the educational development of this State; and

WHEREAS, she has established an empire of her own, founded upon admiration and respect that extends far beyond her beloved Aroostook homeland; and

WHEREAS, no storm has been too severe, nor distance too great to keep her from her appointed task during the past 50 years; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the Senate and House of Representatives of the 106th Legislature of the great and sovereign State of Maine, pause to salute Mrs. Villa Hayden Quinn upon entering retirement, for her many years of loyal and devoted service to the State of Maine and extend to her the best and well earned wishes of the Legislature for many happy years in retirement; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to Mrs. Quinn in token of our esteem. (H. P. 1650)

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

By unanimous consent, ordered sent forthwith.

On motion of Mr. Carrier of Westbrook, it was

ORDERED, that Gary Poitras of Westbrook be appointed Honorary Page for today.

Passed to Be Enacted

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.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: L. D. 2047 directs the Commissioner of Education to reimburse every community for the entire cost of transporting students to private schools. If you don't know — I want to be sure that we all do know — this is presently possible, it is now being done under present statutes at local option and without subsidy. This bill will have the effect of transferring the entire cost of this to the state budget. I think there are plenty of reasons to vote against this piece of legislation. We heard some of them debated by the last gentleman, this late introduction, the lack of any hearing to develop testimony, as far reaching as this may possibly be, but I feel the reason that impresses me the most above these and beyond these is the possible long range effect this is going to have on our public school systems.

This is going to encourage an outflow of students from our public school systems, and as I look at what we have happening to our public school systems now in the private school area, I think it would be detrimental in that quite often we find, if not completely, our more affluent parents, our more education conscious parents are presently enrolling their children in private schools and this will tend to encourage this outflow. If you look at the first section of the legislation, its ultimate intent is to subsidize private schools and reduce the cost for private schools to the complete degree allowed by

the Constitution. This will go far beyond the mere transportation.

The original bill called for \$1.2 million; it is now down to \$300,000. Apart from the cost, I believe we will see a substantial increase if this does come on the books, and I would like to have you consider that legislation of this type should be considered in a more temperate atmosphere. This does not become effective financially until July of '74. We will be back here before then and the bill could then be introduced in the more traditional configuration of having had hearing and a chance for more consideration.

I hope you will give some consideration and I move, Mr. Speaker, that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, moves the indefinite postponement of this bill and all accompanying papers. The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to pose a question to the gentleman, Mr. Garsoe, who has just spoken. I would assume that there would be no limitation if we passed this bill on the distance, we will say, in other words, if a family has a child that they wish to send some great distance to a private school, there would be no limitations put on the fact that the state had to pay the cost regardless of how far away the private school was.

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

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: It is my understanding, and I am certainly not an expert in this field, but there is another factor in our statutes right now that when the cost of transportation becomes out of line, the state has the option of causing the community to pay for the room and

board in lieu of transportation. It is my opinion that this language is broad enough so that this could well become a factor if it were adopted.

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

Mr. FARLEY: Mr. Speaker and Ladies and Gentlemen of the House: All this bill does is to provide transportation for children to private schools. I don't think we should deny them safety on the roads and the streets and the cities any more than we do the children of the public schools. You see in the amendment the appropriation of \$645,000 has been cut down to \$300,000. I think this is good legislation. The people who are paying this \$300,000 are also paying for our private schools now. I think for the safety of the children involved, I think we ought to support this measure.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: In reference to the fact that this is late and I don't dispute that. There are other bills that have come in rather late and we are still dealing with those, unfortunate though it may be, as we approach the longest session in history. I do think though that we ought to take time to consider the fact that what we are trying to do here is to make something equitable that is not at the present time. One of the biggest problems, as you well know, is that under existing law municipalities and SAD's now transport children at state expense.

Basically we are saying that whether or not they go to a private school or non-private, they are still children of the State of Maine. If we are going to pick up roughly 90 per cent of the cost of transportation, whatever it might be, when it is involving SAD's, then I don't see why we shouldn't pick up this cost. Certainly in the case of local option, that is exactly what we had. Municipalities can pick up the cost, for example I guess the City of Augusta does at the present time, but all the cost has

to be paid by that municipality. Certainly it seems fair to me that everyone ought to share in that cost because all over the state we are sharing in everyone's cost.

In my own area I don't have any private schools left. All of our transportation or most of our transportation cost is paid by the state and it seems to me only fair that we ought to do the same for the other children of the state. That is why I have opposed the motion of indefinite postponement. And I would ask for a roll call, Mr. Speaker, when the vote is taken.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I think it would be very shortsighted for this House to indefinitely postpone this bill. There is very definitely not going to be an outflow of students from the public school system to the private school system, particularly the Catholic parochial schools. If you will look at the history of what has taken place in this state in recent years, you know that there is a steady closing of parochial schools.

I would suggest to you that if you look at the price tag on this bill and consider the closing of just one school, just the one in Lewiston that has been contemplated, you would pay in state subsidy to the City of Lewiston more than the price tag of this bill alone.

I think the state would be wise to encourage the dual system as an economy measure. Further closings of parochial schools is going to mean a very substantial cost in the educational subsidy in this state.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I would like to speak on this bill relative to a couple of points. I am in favor of the bill and I have voted for it in the past and will vote for it again today. The chief reason that I am doing so is that, thinking back to the

Supreme Court ruling of just a few years ago and if I don't quote it accurately I would be very happy to have some of our legal members correct me, but in effect, that ruling said that the state not only has the right but it has the duty and the obligation to protect the safety of its children and it may use its police power to do this and it was speaking in terms of bus transportation.

It is my belief that this state has the duty and the responsibility to protect the lives and welfare of our children, whether or not they go to a private or a public school.

Secondly, and this is of great interest to me, a friend from my area, one of my constituents who is an ordained Protestant minister, a few months ago he was elected to serve as district director in New England in an organization, and I forget its name, but its purpose is to keep the separation of church and state. It is to promote the separation of church and state, and he has written me a couple of letters. The first one was not relative to this bill but just some inquiries that he had. The second one was in reference to this bill which came in last week. I had a long conversation with him by telephone over the weekend, and remember and please understand that he is working, he is a paid worker for a national organization for the separation of church and state, and as far as this bill is concerned, which is designed specifically for transportation and the protection for the health and welfare of our children, he has no objection to it. This is from a gentleman who is very much involved in the separation of church and state.

So I feel that the arguments that have been used in the past and in the corridor, that this bill is a violation of our Constitution and relative to separation of church and state, is completely in error. I am in favor of this bill and I hope the motion to indefinitely postpone does not prevail.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to ask a question. We have a high school in our area, Erskine Academy. The various towns around send their pupils there. There is no contract between the towns and the academy. Several of the town's pupils choose to go to Cony or they choose to go to Waterville or MCI or Winslow. My question is, would the state pay for the transportation of these students, providing the town voted to supply transportation for secondary pupils?

The SPEAKER: The gentleman from China, Mr. Farrington, 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: I hope that the gentleman doesn't hold me to it, but I will tell him my understanding of what the law says. It is my understanding that a district could decide whether or not the cost would be picked up by the district. In other words, the local people still had the deciding factor as to whether or not this was going to be done.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I thank the gentleman, Representative Martin. We are not in the school district per se as yet. He referred to a district decision; we make decisions relative to school by enacting an annual assembly, a town meeting. Does this same thing apply?

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

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I hoped that someone from the Education Committee might

have answered that, but it is my understanding that this L. D. would have nothing to do with a situation such as that. This L. D. refers to private schools and I just want to, if I may say again, that we do offer a free public school education for every citizen in this state from the age of five to twenty one, and we are obligated to provide all the services that are connected with that.

In the long run, I think that this is going to have a tendency to weaken that public school education and this is the basis on which I oppose it.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: It has been said here this morning in regards to the division of church and state, this bill does not do that in any way. This says private schools. In the district which I represent, we have many children who are considered special children and they go to a special school which is called Hilltop in Waterville. These children are retarded. This is a private school. We have other children in my district who go to Portland who are deaf. This is also a private school. If this money is cut out here, these children will not be allowed to go. They will if the parent pays himself.

I feel that any man or woman who has a special child, unfortunate to them, and they are paying the full taxation to that municipality, then that municipality should pay up to the amount that the tuition would be to send their child to another school. So if this child is trainable, this child should have a definite right for an education so that parent would not be burdened with a double taxation. I hope you do not go along with the indefinite postponement of this bill this morning.

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

Mr. FECTEAU: Mr. Speaker and Ladies and Gentlemen of the House: If this bill should not pass and the municipalities like the City of Biddeford should de-

cide not to transport our children to the parochial schools, let me tell you one thing, it is going to cost the state a lot more money because by September, if this should be decided by the city, our school of 680 students would be forced to close. We are about \$35,000 in the red right now and we are contemplating closing. So I really think we need this bill.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question asked a few minutes ago, transportation — providing for the transportation of school children to and from schools other than public schools, except such schools that are operated for profit in whole or in part are subject to the following conditions: Such sums shall not be considered in computing the net foundation program allowance on which the state subsidy is computed.

Section B — the superintendent of schools in each municipality that conveys such school children shall annually, on before April 1st, make a return to the Commissioner of Education showing the number of school children conveyed to and from schools other than public schools in such manner as the commissioner may require. Any municipality which fails to make the return shall be subject to Title 20, Section 854. The commissioner shall compute the school children transportation costs in the net foundation program by deducting from the total school children transportation costs that percentage that the number of school children being transported to schools other than public schools bears to the total number of school children being transported by the municipality.

Section C — this subsection shall not be effected in any city until a majority of the legal voters present and voting at any regular election so vote and shall not be effective in any town until an article in the town warrant so providing shall have been adopted at an annual town meeting. There is more but I think that is enough.

The SPEAKER: The Chair would inquire of the gentleman if he is reading the present law? How does the L. D. 2047 affect the present law?

Mr. LYNCH: That I can't answer right now without looking at it. You mean the one under consideration here? If the state allows the cost of transportation to be picked up by the public school system, I would assume that it would allow the superintendent and the Commissioner of Education to use those pupils, the number of pupils being transported to other than public schools, to be used in computing the cost of transportation. I think that is the purpose of the bill under question.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I would ask the question through the Chair of anyone who might care to answer. We had a pretty high price tag on this to begin with and it dropped down to \$300,000. Now it seems that some of the recent information given to us, many of the schools in the state are not being considered because the towns haven't voted. I wondered if this price tag might be changed substantially if towns who haven't voted to do this could find that they would protect their children by paying ten percent of the transportation costs? It seems a little ridiculous to me that we are going this far without knowing more about what we are doing.

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 be more than happy to respond to the question as I did to that question last week. The original cost was based on total number of children that are not in the public school system. The Education Department forgot that many of these children live within walking distance, in particular, the very highly concentrated areas of the state. For example, Lewiston, Biddeford, Bangor, et cetera. These children should have

been exempted from the computation; they were not. When these were removed from the total number, it dropped the cost substantially since, of course, you wouldn't have a bus to transport them within two miles, for example, of the school or whatever the law now says. That was not taken into account, but what was taken into account at that time was the total number of nonpublic school children which in effect says that this handles all of them, and the total cost would not exceed the cost as presently outlined in this bill. At least this is based on the best figures given to us by the Department of Education. I assume that those are about the best figures we can get anywhere in the state.

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I am wondering if we are talking about parochial schools or private schools? Because, for instance, we have down here in New Gloucester for example, the Village school. We have North Yarmouth Academy, we have Waynflete, we have Erskine Academy that has been mentioned and many others right up through Washington Academy, MMA and there are a lot of private secondary schools, private schools that could very well come in under this — I think this needs more study.

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 be more than happy to respond to some of the comments.

Basically, it involves both private and parochial because a parochial is also a private school and this bill says private schools. If a municipality does not have its own school system and it tuitions its children to a private school, regardless of what it is called by name, then that school would be covered as well. Certainly, we are talking not only about parochial here, we are talking about both.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I am not too concerned with the price tag on this bill. The first time around I did not vote for the bill; the second time I did and I will continue to vote for it. But I am not concerned about the price tag because evidently the Department of Education is not concerned about money, and I can assure the members of this House that there would be no need for an appropriation on this bill if the Department of Education were doing their job and sending out directives to the various school committees and school boards in the state outlining to them what the school buses could be used for and what they could not be used for.

Right now, today, we are spending quite a few hundreds of thousands of dollars in the State of Maine using the school buses for transportation which is contrary to the law. But because the Department of Education has not seen fit to send out directives telling the school boards and school committees just what the law is, but refers them back to the little green book which very few school members read and if they do read it, they don't understand it because they have to keep going back to the various titles which are not reproduced in that book but comes under the other sections of the law like PUC and the public transportation part. But if they were to do their job, this bill could be enacted, even with this appropriation. So if there is any added increase in the cost because of this bill, it could still be picked up without any loss to the department.

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

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I would direct another question to anyone who might answer. Just what period does this sum of money cover?

The SPEAKER: The gentleman from China, Mr. Farrington, 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: As I recall from the bill, the date is July 1, 1974.

Mr. Jalbert of Lewiston moved the previous question.

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

A vote of the House was taken, and obviously more than one third of the members present having voted for the previous question, the motion is entertained. The question now before the House is, shall the main question be put now. This is debatable with a time limit of five minutes by any one member.

The SPEAKER: All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 69 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to ask a question of anybody who might be able to answer it. I live in a town that does not support a high school at the present time. We are sending all our pupils to a private academy about 12 miles away. We are paying for full transportation for all secondary pupils. As I recall, if my memory serves me correctly, I think the town is already receiving some compensation from the state in regard to tuition. Would my town, for instance, benefit from this bill, if passed?

The SPEAKER: The gentleman from Bristol, Mr. Lewis, 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: It is my understanding that they would.

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

Mr. GARSOE: Mr. Speaker and Ladies and Gentlemen of the House: I would just like to take one parting shot at this. I think the questions that are being asked are a good indication of how we should treat this piece of legislation. There are too many unanswered questions.

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

ROLL CALL

YEA — Baker, Berry, P. P.; Bither, Bragdon, Briggs, Bunker, Cameron, Curtis, T. S., Jr.; Donaghy, Dunn, Emery, D. F.; Farnham, Gahagan, Garsoe, Hamblen, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Knight, Lewis, J.; Littlefield, MacLeod, Merrill, Mills, Morton, Parks, Pratt, Shaw, Simpson, L. E.; Snowe, Tyndale, White

NAY — Albert, Berry, G. W.; Berube, Binnette, Boudreau, Brawn, Brown, Carey, Carrier, Carter, Chick, Chonko, Churchill, Conley, Connolly, Cote, Cottrell,

Cressey, Crommett, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dyar, Evans, Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Henley, Hobbins, Jacques, Jalbert, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lawry, LeBlanc, Lewis, E.; Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McNally, McTeague, Morin, L.; Morin, V.; Murchison, Murray, Najarian, Norris, O'Brien, Perkins, Pontbriand, Ricker, Rollins, Ross, Shute, Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Strout, Susi, Tanguay, Tierney, Trumbull, Walker, Wheeler, Whitzell, Willard, Wood, M. E.

ABSENT — Ault, Birt, Bustin, Clark, Cooney, Flynn, Gauthier, Haskell, Herrick, LaPointe, Maddox, McMahan, Mulkern, Palmer, Peterson, Rolde, Santoro, Sheltra, Silverman, Talbot, Theriault, Trask, Webber

Yes, 35; No, 92; Absent, 23.

The SPEAKER: Thirty-five having voted in the affirmative and ninety-two in the negative, with twenty-three being absent, the motion to indefinitely postpone does not prevail.

Thereupon, the Bill was passed to be enacted.

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

Mr. MARTIN: Mr. Speaker, I now move we reconsider our action whereby the Bill was passed to be enacted and hope you vote against me.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House reconsider its action whereby the Bill was passed to be enacted. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Signed by the Speaker and sent to the Senate.

On request of Mr. Simpson of Standish, 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 require Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

Mr. Henley of Norway was granted unanimous consent to address the House.

Mr. HENLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am concerned with the number of amendments that they seem to be tacking onto the Judiciary Omnibus bill, 2044. It seems to me we got one four-page one this morning that in my humble opinion, not being an attorney, but I still insist that a lot of it is substantive. We had a good hearing on that and I resent an omnibus bill that has got a whole fistful of changes here and amendments of last week. I believe that our good chairman made up a splendid explanation of them and those were more or less accepted by us. But now I don't know where we stand on these. I don't know just what I am getting at here, except that if they keep on piling these amendments on in the other body, when the bill comes back here for final enactment, I shall request to take them all off again.

I do not know how the rest of the House feels about it, but I am sick and tired at this time in the session of having these omnibus bills loaded with amendments. I don't know, I just wanted to get this off my chest. I am certainly fed up with these amendments coming on there. The bill is being held and I don't know why.

For whatever it is worth, that is the way I feel about this load of amendments being hooked onto that omnibus bill and I don't know how the rest of you feel about it.

Mr. Perkins of South Portland was granted unanimous consent to address the House.

Mr. PERKINS: Mr. Speaker and Ladies and Gentlemen of the House: I, too have been concerned,

and if it would help Representative Henley's concern, I would just state that I have requested a conference of the Judiciary Committee sometime today to take up these amendments. I am concerned because there are so many and I think some of them are substantive.

(Off Record Remarks)

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: The way I see it, there are inconsistencies and errors in the Errors and Inconsistency Bill.

(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.

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

Non-Concurrent Matter

Bill "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 Budget" (S. P. 661) (L. D. 2021) which failed final passage in the House on June 28.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-278) in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, I move that we recede and concur and would ask for the yeas and nays.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the House recede and concur and requests a roll call vote.

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

Mr. ROSS: Mr. Speaker and Members of the House: This bill is called an Act to Redistribute Certain Statutory Powers of the Council. This is by and large a misnomer. Of the total 250 duties of the council, they have given 20, which are minor consultation duties, to the Attorney General, the Auditor, the Secretary of State, the Bureau of Budget, the Board of Education, and the Legislative Council. Aside from confirmations, they will just assign bills, appoint legislative administrator directors, appoint legislative assistants, and director of legislative research and finance officer.

The legislative administrator director must have an assistant, he must have clerical assistance and he must have staff assistance. Now aside from this, which will cost a great deal more money, we are going to give the Governor sole authority to handle the contingent funds, and in a four-year term of office this will amount to \$3.2 million. The transfer of funds will be his, the approval of financial orders will be his, pardons and commutations will be his, the approval of bonds will be his, to set bonding limits will be his, to have certain authority over surplus monies even will be his, to determine departmental work programs, to authorize temporary loans, to approve financial programs, to grant retirement exemptions, to approve the demolition of buildings, to authorize audits, to abate taxes, to approve appeals, to fill vacancies, all of these plus 200 more.

Of course some of these could be eliminated, but certainly not all, unless we want a complete one-man control, and I am opposed to this, whether that one man were a Democrat or a Republican. There would be so many duties that he would have to allocate many of these to his staff like the minor appointments in individual counties. The present county council knows the people and their wishes in their district much better than one man could ever do.

It has never been mentioned when we have mentioned the council that now they have certain de-

partments assigned to their scrutiny, and if they do their job properly, which a great many of this council is doing, they can save the state a great deal of money.

At least to constitute two sections of this are unconstitutional. The Constitution gives the power of pardon and commutations specifically to the Governor and Council and Article 9, Section 6 gives the tenure of office to the Governor and Council.

Now this bill also abolishes the Research Committee. It creates the Legislative Council which we have discussed. It provides permanent Joint Standing Committees and provides for an annual budget.

The last item may be good, but in the end it would probably cost the state millions of dollars, because when departments come before us each year rather than every two, it is like a union contract. If big companies allowed their people to bargain every year rather than every three years, wages would probably get out of hand.

The whole council concept is the worst of all. As a simple analogy, this bill would be like offering a man a new car and then taking away his license and registration forever.

I move the indefinite postponement of this bill. I go along with the yeas and nays, and I hope you do not recede and concur.

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

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

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

ROLL CALL

YEA — Berube, Boudreau, Chonko, Connolly, Crommett, Curtis, T. S. Jr.; Dam, Driggottas, Dun-

leavy, Farley, Fecteau, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Haskell, Hobbins, Jacques, LaCharite, Lawry, LeBlanc, Lynch, Martin, McHenry, McMahon, McTeague, Morin, L.; Morin, V.; Murray, Najarian, Norris, Perkins, Pontbriand, Ricker, Shute, Smith, D. M.; Smith, S.; Soulas, Tanguay, Tierney, Tyndale, Whitzell.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Davis, Deshaies, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Ferris, Finemore, Fraser, Gahagan, Good, Hamblen, Hancock, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Mahany, Maxwell, McCormick, McKernan, McNally, Merrill, Mills, Morton, Murchison, O'Brien, Palmer, Parks, Pratt, Rollins, Ross, Shaw, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trumbull, Walker, Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Ault, Bunker, Bustin, Carter, Clark, Cooney, Dow, Dudley, Flynn, Gauthier, Henley, Herrick, LaPointe, Maddox, McMahon, Mulhern, Peterson, Rolde, Santoro, Sheltra, Silverman, Talbot, Theriault, Trask, Webber.

Yes, 42; No, 84; Absent, 25.

The SPEAKER: Forty-two having voted in the affirmative and eighty-four in the negative, with twenty-five being absent, the motion to recede and concur does not prevail.

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

Mr. ROSS: Mr. Speaker, I now move we adhere.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House adhere. The Chair will order a vote. 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 43 having voted in the negative, the motion did prevail.

On motion of Mr. Birt of East Millinocket,

Recessed until 2:15 in the afternoon.

**After Recess
2:15 P.M.**

The House was called to order by the Speaker.

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

**Papers from the Senate
Report of Committee
Ought to Pass**

Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 554) (L. D. 1883) reporting "Ought to pass" in new draft (S. P. 678) (L. D. 2044) (Emergency) under same title.

Came from the Senate with the bill passed to be engrossed as amended by Senate Amendment "A" (S-256), Senate Amendment "B" (S-258), Senate Amendment "C" (S-261), Senate Amendment "D" (S-262), Senate Amendment "F" (S-267), Senate Amendment "G" (S-270), and Senate Amendment "K" (S-280).

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-256) was read by the Clerk and adopted in concurrence. Senate Amendment "B" (S-258) was read by the Clerk and adopted in concurrence. Senate Amendment "C" (S-261) was read by the Clerk.

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

Mr. SPROUL: Mr. Speaker and Ladies and Gentlemen of the House: You may remember that on June 1 I brought to your attention the Honeywell Computer contract which had been handled by Commissioner Maurice Williams, and that David Smith, the Director of Central Computer Services had told us that he was personally involved in the Nebraska computer negotiations as a consultant. That day I was accused of all sorts of things from my friends and you were assured of what a great saving deal it was for the State of Maine. So let me relay to you what has happened in Nebras-

ka as a result of David Smith's consulting and holding out our great State of Maine contract with Honeywell, as an example.

Would you believe the head of the Department of Administrative Services in Nebraska has been removed from office for his participation with Honeywell? Well, that is the word from Nebraska.

Today, I wish to bring another item, something else to your attention in which Augusta has no interest whatsoever so perhaps my credibility will not be questioned quite so severely.

This amendment "C" to L. D. 2044 on page 2 replaces the Commissioner of Finance and Administration as a member of the Commissioners of the Maine Municipal Bond Bank.

Firstly, let me ask you members of the 105th if you know of any errors or inconsistencies in the statute that you passed in the 1972 special session when you assigned the duty to the Commissioner of Finance and Administration? If not, why shouldn't this change be accomplished by regular statute after due hearings rather than in this bill?

Secondly, I am sure you will agree that Commissioner Williams has had the statutory duty imposed by the legislature to perform this duty from the effective date last fall until now. Would you believe that Commissioner Williams has not attended a meeting since November 8, 1972, and that he has refused to attend the last seven meetings? As I understand it the bond bank expects to sell nearly \$11 million of their first bond issue within the next few days, and they had to do this without the wisdom and expertise of Commissioner Williams because he has refused to perform his statutory duty for more than seven months after he had taken an oath confirming that he would perform the duties of his office. Can you give me a better example of non-feasance of duty?

Plainly, I wish you would refer to the proof of June 25th, where in that other body it states, "Apparently Maurice Williams no longer wishes to serve as a Commissioner on the board." Now how

does that grab you, really? Isn't that impressive, ladies and gentlemen?

I am just wondering if anyone here thinks the legislature should take any part in our state government, or if it passes a law whether or not our bureaucrats should pay any attention to it or just ignore it and do as they please.

I will be glad to leave it up to your good judgment and especially to you veterans who passed the law.

Thereupon, Senate Amendment "C" was adopted in concurrence. Senate Amendment "D" (S-262) was read by the Clerk and adopted in concurrence. Senate Amendment "F" (S-267) was read by the Clerk and adopted in concurrence. Senate Amendment "G" (S-270) was read by the Clerk and adopted in concurrence. Senate Amendment "K" (S-280) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the second time. The Bill was passed to be engrossed as amended and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

Non-Concurrent Matters

Bill "An Act Relating to Legislative Services Under State Retirement System" (H. P. 49) (L. D. 56) which was enacted in the House on June 6.

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

In the House: The House voted to recede and concur.

Bill "An Act to Establish a Bureau of Property Taxation Within the Department of Finance and Administration" (S. P. 56) (L. D. 163) which was enacted in the House on March 21.

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

In the House: The House voted to recede and concur.

Bill "An Act to Authorize Satellite Centers for Vocational Educa-

tion" (H. P. 176) (L. D. 218) which was enacted in the House on March 6.

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

In the House: The House voted to recede and concur.

Resolve Providing Funds for Cerebral Palsy Centers (S. P. 102) (L. D. 247) which was enacted in the House on March 6.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Vocational Education" (H. P. 239) (L. D. 320) which the House enacted on March 6.

Came from the Senate with the Bill indefinitely postponed.

In the House: The House voted to recede and concur.

Bill "An Act Providing for Field Examiner for Election Division of the Department of the Secretary of State" (S. P. 151) (L. D. 385) (S. "A" S-30) which was enacted in the House on March 21.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing Funds for the Maine Higher Education Council" (S. P. 168) (L. D. 423) which was enacted in the House on February 27.

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

In the House: The House voted to recede and concur.

Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 379) (L. D. 508) (H. "A" H-501) which was enacted in the House on June 11.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing Funds for Elementary School Guidance Counsellors" (H. P. 384) (L. D. 513) which was enacted in the House on March 5.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Educational Assistance for Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War" (H. P. 404) (L. D. 533) which was enacted in the House on June 8.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs" (S. P. 205) (L. D. 550) (C. "A" S-137) which was enacted in the House on May 25.

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

In the House: The House voted to recede and concur.

Bill "An Act to Exempt Child Placement Agencies from Payment of Sales Tax" (S. P. 208) (L. D. 552) which the House enacted on June 12.

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

In the House: The House voted to recede and concur.

Bill "An Act to Exempt Sales to Institutionalized Persons from the Sales Tax" (H. P. 426) (L. D. 575) which was enacted in the House on April 24.

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

In the House: The House voted to recede and concur.

Resolve Providing Funds for Project on Swan's Island, Hancock County (H. P. 446) (L. D. 595) which was enacted in the House on March 5.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Improved Property Tax Administration" (S. P. 221) (L. D. 637) which was enacted in the House on May 25.

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

In the House: The House voted to recede and concur.

Bill "An Act Requiring Constructed Public Buildings Be Made Accessible to the Physically Handicapped" (H. P. 505) (L. D. 657) which was enacted in the House on March 29.

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

In the House: The House voted to recede and concur.

Bill "An Act Creating a Standard-bred Breeders and Owners Development Fund of Maine" (H. P. 518) (L. D. 683) which was enacted in the House on April 9.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Educational Benefits for Dependents of Veterans and Prisoners of War and Missing in Action" (H. P. 522) (L. D. 704) which was enacted in the House on June 8.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Definition of and Licenses of Rectifiers under the Liquor Law" (H. P. 579) (L. D. 768) which was enacted in the House on April 9.

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

In the House: The House voted to recede and concur.

Bill "An Act Authorizing the Department of Environmental Protection to Make Planning Grants to Municipalities for Solid Waste Disposal" (H. P. 631) (L. D. 845) which was enacted in the House on April 5.

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

In the House: The House voted to recede and concur.

Bill "An Act Providing for a Change in Standard Deductions in Income Tax Law" (H. P. 655) (L. D. 869) (C. "A" H-85) which was enacted in the House on March 26.

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

In the House: The House voted to recede and concur.

Bill "An Act to Establish a State Veterans Home" (S. P. 436) (L. D. 1340) (C. "A" S-78) which was enacted in the House on April 24.

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

In the House: The House voted to recede and concur.

Bill "An Act Increasing Inheritance Exemption for a Surviving Spouse and Children" (H. 1062) (L. D. 1386) (C. "A" H-178) which was enacted in the House on April 18.

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

In the House: The House voted to recede and concur.

Bill "An Act to Establish within the Department of Indian Affairs a Bureau of Indian Police" (H. P. 1462) (L. D. 1887) which the House enacted on May 9.

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

In the House: The House voted to recede and concur.

Bill "An Act Creating the Pine-land Center Advisory Board" (S. P. 609) (L. D. 1907) (S. "A" S-112) which was enacted in the House on May 16.

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

In the House: The House voted to recede and concur.

Passed to Be Enacted

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

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

Mr. Dyar of Strong requested a roll call vote.

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

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

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I favor this bill; I favor this concept. I think that the income tax is by far the fairest tax. As yet, we have not funded one of the supposed property tax reduction bills that we have had. This is a chance to get some money and I think it is a chance to get some money from those it would hurt the least, and I favor this concept.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of this bill, because as Mr. Ross says, this is probably the vehicle that can be used to fund the homestead tax and I am very much in favor of that. It will be a bill that will send money directly back to the

property taxpayers. So I hope we pass this this afternoon.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: Very briefly, I am in favor of the concept of the bill but I am not in favor of the bill, because we told everybody, an awful lot of people, that we were not going to raise the income tax this year, and this does precisely that. I am not in favor of this.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I am in favor of the principle behind this bill. However, I am a practical man, and I think that we are going to be fooled by the effects of this bill if we pass it. There is no way to keep this class of citizens, the class of citizens we are referring to here — this is a soak the rich bill. I personally believe that if we pass it we are going to lose revenue rather than gain it, because there is no way to keep wealthy, retired citizens that might fall in this category, there is no way to have them maintain their residence in the State of Maine.

I personally believe that we will be fooled by the passage of this. It will be a loss of revenue in the long run rather than a gain of revenue.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I agree with the concept of this bill, but I also agree with the Governor's semipromise that there would be no major increase in taxes this session. Now we can funiculi and funicula about property tax relief. We have already got one bill through, and to go on now at this point to increase income taxes — I know they can save, only in the upper income, but when you look at the tax schedules, they are very unjust. It is a soak the rich campaign, and I think at this time this bill should have a final rest.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for this bill, but I am going to vote for it reluctantly for two reasons. One, I agree with the gentleman from Enfield and others that I believe the most of us are committed to no increase in taxes. I agree this increase is for a good cause, the Homestead Act, but that is one reason why it is reluctant.

My second reason is, I discussed this with Mr. Dunleavy, the gentleman from Presque Isle out in the corridor this morning, it seems to me that he is forcing me into a position where I must get married, and I consider this an infringement of my constitutional rights.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I agree with the gentleman from Casco, Mr. Hancock on two things, he should protect his constitutional rights. The enactment of this bill is very important in a practical sense if we want to effect meaningful tax relief to the homestead vehicle this session.

I think the fact is that there are those of us here who are or who have aspired to be in the income categories where this bill would affect us. My friends on both sides of that income tax dividing line, which is as I figure is about \$35,000 per family, congratulations to those above it, condolences and good wishes in the future to those below it. Let's pass this and give homestead a chance.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I also will go along with this bill for one reason and one reason only. I can get at the gentleman from Caribou, Mr. Briggs, on this bill, and I can't get at him on anything else.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted of An Act Revising the Rate Tables of

Tax Imposed on the Income of Individuals (H. P. 835) (L. D. 1105). All in favor of passage to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA: Berry, G.W.; Berry, P.P.; Berube, Binnette, Boudreau, Bunker, Carey, Carrier, Chonko, Conley, Connolly, Crommett, Curran, Curtis, T.S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dunleavy, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Fraser, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Henley, Hobbins, Jacques, Kelley, Keyte, Kilroy, LaCharite, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Mills, Morin, L.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Parks, Perkins, Pontbriand, Ricker, Rolde, Rollins, Ross, Smith, D.M.; Smith, S.; Soulas, Strout, Susi, Tanguay, Tierney, Wheeler, White, Whitzell, Willard, Wood, M.E.

NAYS: Baker, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Cameron, Carter, Chick, Churchill, Cote, Cottrell, Cressey, Donaghy, Dudley, Dunn, Dyar, Emery, D.F.; Evans, Faucher, Gahagan, Hamblen, Haskell, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, R.P.; Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, McCormick, McNally, Palmer, Pratt, Santoro, Shaw, Sheltra, Shute, Simpson, L.E.; Snowe, Sproul, Stillings, Trumbull, Tyndale, Walker, The Speaker.

ABSENT: Albert, Ault, Bustin, Clark, Cooney, Flynn, Gauthier, Herrick, LaPointe, Maddox, McMahon, Morin, V.; Mulkern, Peterson, Silverman, Talbot, Theriault, Trask, Webber.

Yes, 77; No, 55; Absent, 19.

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

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

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

Mr. McTEAGUE: Mr. Speaker, I move we reconsider our action whereby this Bill was passed to be enacted and ask that you vote against me.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, moves the House reconsider its action whereby this Bill was passed to be enacted. All in favor of that motion will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

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

Passed to Be Enacted

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

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.

The following Communications appearing on Supplement No. 6 were taken up out of order by unanimous consent.

State of Maine
Office of the Governor
Augusta

July 2, 1973

To the Honorable Members of the House of Representatives and Senate of the 106th Legislature

After full study and consideration, I am returning today, without my signature of approval, H. P. 1613 — L. D. 2030 "An Act Revising the Reorganization of the Department of Manpower Affairs."

In 1972 the 105th Maine Legislature created the Department of Manpower Affairs, headed by a Commissioner of Manpower Affairs, who also would serve as Chairman of the Employment Security Commission. The 1972 law

fell short of completely clarifying administrative responsibilities within the new department, and particular the Employment Security Commission itself. In part, failure of the 1972 changes to clearly separate administrative and policy responsibilities led to a protracted controversy between the Governor and Executive Council over the staffing of the reorganized agency, holding up the appointment of both the Commissioner of Manpower Affairs and a permanent Director of the Bureau of Labor and Industry. Consequently, I supported the introduction of L. D. 1331 at this session for the purpose of further reorganizing the Department of Manpower Affairs to accomplish greater efficiency in the delivery of Employment Security Program services and to clarify administrative responsibilities.

The bill called for abolishing the tri-partite Employment Security Commission and replacing it with a single Executive Director consistent with the organizational structures of other departments. This recommended change has been requested in the past and is now urged by the U.S. Department of Labor's Regional Manpower Administrator who is responsible for funding the entire administrative costs of the Employment Security Agency. He has pointed out that a three man commission is not only unnecessary but is undesirable in that it is expensive, inefficient, and unaccountable for its performance. He has warned that due to recent budget constraints, the Federal government cannot continue to justify the wasteful expenses of a full-time three man commission.

Unfortunately, L. D. 1331 was rewritten into L. D. 2030 which as amended not only fails to abolish the tri-partite commission but actually insulates it into an autonomous, unaccountable entity within the Department of Manpower Affairs. As amended L. D. 2030 also added an unnecessary high-level administrative position in calling for both an Employment Security Commission Chairman as well as a Commissioner of Manpower Affairs. These changes from the present law would create, in

my judgment, poorer administration of manpower services than under the present law.

It is, therefore, clear that L. D. 2030 violates the constructive thrust and spirit of State government reorganization which this same Legislature has incorporated into other administrative reorganization bills, and carries with it the retention of three unnecessary high paying positions in State government.

I am, therefore, returning it to you today. If it became law, it would make the Department of Manpower Affairs administratively unaccountable, wasteful of public money, and less effective in coordinating and improving the manpower services which are so important to employers and working men and women of the State of Maine.

Respectfully,

Signed:

KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

The SPEAKER: Article 4, Part 3, Section 2 of the Maine Constitution requires that this vote be taken by the yeas and nays, therefore a roll call is ordered. The pending question is, shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. MARTIN: Mr. Speaker and Members of the House: We all have the message in front of us, I would ask you to vote no.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: The Manpower Affairs bill passed by the last session caused nothing at all but dissension. No commissioner has been appointed yet. The Employment Security Commission has been in nothing but a continuous squabble. They have tried to fire both the management and labor representatives, and this was always the drop of balance in the commission, and the bill before us, in my opinion, made more sense than any other reorganiza-

tion bill. However, the Governor saw fit to veto it. I believe the bill should be passed, so I would suggest you vote yes, the bill shall become law.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. This requires a two-thirds vote of all those present and voting. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Chick, Churchill, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farrington, Ferris, F i n e m o r e, Gahagan, Garsoe, Hamblen, Haskell, Henley, Hoffses, Huber, Hunter, Immonen, J a c k s o n, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, E.; Lewis, J.; Littlefield, MacLeod, McCormick, McHenry, McKernan, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, S h u t e, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Susi, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Carey, Carrier, Carter, Chonko, Conley, Cote, Cottrell, Crommett, Curran, Deshaies, Dow, Drigotas, Dunleavy, Farley, Faucher, Fecteau, Fraser, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, J a l b e r t, Kelleher, Keyte, L a C h a r i t e, LeBlanc, Lynch, Mahany, Martin, Maxwell, McTeague, Mills, Morin, L.; Morin, V.; Najarian, O'Brien, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Smith, D. M.; Smith, S.; Soulas, Tanguay, Tierney, Wheeler, Whitzell.

ABSENT — Ault, Bustin, Clark, Connolly, Cooney, Dam, Dudley, Farnham, Flynn, Gauthier, Good, Herrick, Kilroy, LaPointe, Lawry, Maddox, McMahon, M u l k e r n, Murray, Peterson, Silverman, Talbot, Theriault, Trask, Webber.

Yes, 70; No, 56; Absent, 25.

The SPEAKER: Seventy having voted in the affirmative and fifty-six in the negative, with twenty-five being absent, seventy being

less than two-thirds, the Governor's veto is sustained.

From the Senate: The following Communication:

State of Maine
Department of Audit
Augusta, Maine 04330

To Governor Kenneth M. Curtis and Members of the One Hundred and Sixth Legislature

In compliance with statutory requirements, I submit herewith the 53rd Annual Report of the State Auditor for the fiscal year ended June 30, 1972. The financial data presented are based on the accounting records maintained in the Bureau of Accounts and Control.

We have made extensive examination of major pertinent transactions. We did not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post-audits of the activities of the major State departments during the year. The results of those audits, together with comments, exceptions and recommendations are contained in our individual audit reports submitted to the respective departments.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the accompanying financial statements present fairly the financial position of the operating funds of the State of Maine at June 30, 1972, and the results of their operations for the fiscal year then ended, in conformity with generally accepted governmental accounting principles applied on a consistent basis.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty

and to the State officials for their cooperation with this department.

Respectfully submitted,

(Signed)

RAYMOND M. RIDEOUT, JR.
State Auditor

Came from the Senate read and placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Supplement No. 7 was taken up out of order by unanimous consent.

Non-Concurrent Matters

Bill "An Act to Provide a Feasibility Study for a Turnpike Facility from Houlton to Van Buren" (H. P. 223) (L. D. 296) which was enacted in the House on February 28.

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

In the House: The House voted to recede and concur.

Bill "An Act Relating to Apportionment of Cost of Reconstruction of Railroad Grade Separation Structures on Non-federal Aid-State Aid Highways" (S. P. 136) (L. D. 248) which was enacted in the House on March 12.

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

In the House: The House voted to recede and concur.

(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.

Supplement No. 8 was taken up out of order by unanimous consent.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 701)

WHEREAS, the modern concept of monorail is being considered throughout the nation because of

its inherent advantages for mass transportation; and

WHEREAS, a modern system of transportation between far distant points in Maine is badly needed to supplement existing means of travel; and

WHEREAS, the possibilities of constructing a monorail network to service the State should be studied and evaluated; now, therefore, be it

ORDERED, the House concurring, that the State Department of Transportation is authorized and directed to study the possibility of establishing a monorail network system to service the passenger needs of this State; and be it further

ORDERED, that the Department report the results of its findings and recommendations at the next special or regular session of the Legislature.

Came from the Senate read and passed.

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

Non-Concurrent Matters

Bill "An Act Relating to Working Capital of the Bureau of Alcoholic Beverages" (S. P. 128) (L. D. 305) which was enacted in the House on February 14.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-287) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Appropriating Funds to Provide Vocational Rehabilitation Services to Handicapped Persons" (H. P. 482) (L. D. 626) which was enacted in the House on March 15.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-284) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Relating to Community Based Services for the Mentally Retarded" (H. P. 509) (L. D. 674) which the House enacted on April 5.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-286) in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor" (H. P. 648) (L. D. 864) which the House enacted on June 14.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-547) and Senate Amendment "A" (S-285) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Bill "An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education" (H. P. 927) (L. D. 1225) (C. "A" H-176) which the House enacted on April 18.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-289) and Committee Amendment "A" (H-176) in non-concurrence.

In the House:

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

Mr. HASKELL: Mr. Speaker, will the Clerk read Committee Amendment "A", please?

Thereupon, Committee Amendment "A" (H-176) was read by the Clerk.

Thereupon, on motion of Mr. Haskell of Houlton, the House voted to recede and concur.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: About five minutes ago on page two on Senate Reports, non-concurrent matter, An Act Relating to Working Capital of the Bureau of Alcoholic Beverages, L. D. 305 that was enacted on

February 12th, comes from the Senate with the bill passed to be engrossed as amended by Senate Amendment "A" in non-concurrence. That is five minutes ago. Just twenty seconds ago the amendment was delivered to us. I submit to you, Mr. Chairman, that somewhere along the line, particularly for the newer members of the House, I think that is just going a little too fast. And I think if we are tired we ought to pack up and go home for a few days or at least adjourn until tomorrow morning.

I have been here for a long time and I have seen all sorts of procedures, all sorts of gimmicks, all sorts of doings. I just don't like this kind of a procedure. It is dead wrong.

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I believe that all of us are trying to get out of here, and I think you have given us a mandate the other day, including the gentleman from Lewiston, who not only the other day but probably a half dozen times during this session continually stands on his feet and says that we need to move, we need to move. Amendments are out. If they are not on your desks, I would suggest that when the supplements come out, if the amendment is not there, stand up and say so and we can table it until later in today's session and then you can take it on. But to take and pass something and then go back a few minutes later and debate under unanimous consent I think is ridiculous.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I can assure you now, I didn't ask to set any policy here, and I said several times that we should go on about our business, but somewhere along the line we have debated for three days on the pheasant bill and five days on

the moose bill and we are kicking around here millions and millions of dollars just in a hurry to go home. I am not just for it, that's all. That's my thinking. If we stayed this long, we can stay two more days.

Bill "An Act Appropriating Funds for Expansion and Improvement of the Biddeford Municipal Airport" (S. P. 518) (L. D. 1649) (C. "A" S-82) which the House enacted on April 25.

Came from the Senate with the Bill passed to be engrossed as amended by (C. "A" S-82) and Senate Amendment "A" (S-288) in non-concurrence.

In the House:

The SPEAKER: Is it the pleasure of the House to recede and concur?

(Cries of yes and no)

The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

Bill "An Act Appropriating Funds to Expand Post-secondary Educational Opportunities in Maine's Midcoast, York County and Lewiston-Auburn Areas" (S. P. 538) (L. D. 1691) which the House enacted on May 7.

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

In the House:

The SPEAKER: Is it the pleasure of the House to recede and concur?

(cries of yes and no)

The Chair will order a vote. All in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.