

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Wednesday, January 16, 1974

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

Prayer by Representative Rodney Ross of Bath.

The Journal of yesterday was read and approved.

Order Out of Order

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

ORDERED, that Gregory A. Howard of Freeport and Steve Mendes of Cundy's Harbor be appointed Honorary Pages for today.

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

Papers from the Senate

From the Senate:

Bill "An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges of the District Court" (S. P. 825) (L. D. 2352)

Came from the Senate referred to the Committee on Veterans and Retirement.

In the House, the Bill was referred to the Committee on Veterans and Retirement in concurrence.

**Report of Committee
Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Salary of the Administrative Assistant, Supreme Judicial Court, (S. P. 767) (L. D. 2198) "reporting "Ought not to pass."

Report was signed by the following members:

Messrs. SEWALL of Penobscot
MORRELL of Cumberland
— of the Senate.

Messrs. HASKELL of Houlton
BRAGDON of Perham
SPROUL of Augusta
JALBERT of Lewiston
CARTER of Winslow

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass."

Report was signed by the following members:

Mr. CONLEY of Cumberland
— of the Senate.

Messrs. NORRIS of Brewer
SMITH of Dover-Foxcroft
— of the House.

Came from the Senate with the Minority "Ought to pass" Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-312).

In the House: Reports were read.

On motion of Mr. Haskell of Houlton, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Initiate Issuance of Nonresident Marine Sports Fishing Licenses" (H. P. 1849) (L. D. 2342) which was referred in the House on January 11 to the Committee on Fisheries and Wildlife.

Came from the Senate referred to the Committee on Marine Resources in non-concurrence.

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

Petitions, Bills and Resolves

Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Fisheries and Wildlife

Bill "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game" (H. P. 1868) (Presented by Mr. Briggs of Caribou)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Relating to the Installation of a Uniform Crime-reporting System" (H. P. 1869) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Eliminate the Mandatory Waiting Period for Unemployment Compensation Applicants who Have Lost Income as a Result of Electrical or Petroleum Product Shortages" (H. P.

1870) Emergency (Presented by Mr. Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Transfer the Pesticides Control Board to the Department of Environmental Protection" (H. P. 1871)

(Presented by Mrs. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Reorganize the Department of Military, Civil Emergency Preparedness and Veterans' Services" (H. P. 1872) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Collect the Tax on Insurance Premiums Quarterly" (H. P. 1873) (Presented by Mr. Finemore of Bridgewater)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to Motor Vehicle Accident Reports" (H. P. 1874) (Presented by Mrs. McCormick of Union)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Birt of East Millinocket presented the following Joint Resolution and moved its adoption:

WHEREAS, Maine's coastal and tidal waters are known to contain the sunken wreckage of at least 40 American naval vessels of the Revolutionary War; and

WHEREAS, these wrecks constitute the single greatest repository of American Revolutionary artifacts known to exist anywhere in North America; and

WHEREAS, the location of several such wrecks has been found on the eve of our National Revolutionary Bicentennial Observance; and

WHEREAS, the Maine State Museum, under existing law, is responsible for the recovery and preservation of such arti-

facts and with the assistance of others has begun salvage operations; and

WHEREAS, broad support of this worthy project is desirable to make these artifacts available in a timely manner for research purposes, for public exhibition, and for educational use; now, therefore, be it

RESOLVED: 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 in special session, being ever mindful of our great heritage and serious obligations of our State on this, the eve of our National Revolutionary Bicentennial Observance, take this opportunity to publicly endorse efforts which will lead to the timely recovery and preservation of American Revolutionary Artifacts discovered along our coast and trust the several departments and agencies of the State will assist and cooperate insofar as possible in the recovery and presentation of these artifacts to the custody of the Maine State Museum for their safekeeping and widespread display; and be it further

RESOLVED: That suitable copies of this Resolution be prepared and transmitted forthwith to all departments and agencies of the State calling this important objective to their attention. (H. P. 1867)

The Joint Resolution was read and adopted and sent up for concurrence.

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

WHEREAS, the National Special Olympics Committee has selected Saddleback Mountain as the site for a unique recreational weekend for retarded children; and

WHEREAS, on January 19th and 20th, Saddleback Mountain Ski Area will host this, the first special winter olympics ever held in the United States; and

WHEREAS, approximately 300 children from all over New England will compete in such winter fun activities as downhill and slalom skiing, skating events, snowshoe and toboggan races; and

WHEREAS, the youngsters will also enjoy scenic rides by chairlift, snowmobile and dog sled and be entertained

by Jud Strunk in genuine downeast fashion; now, therefore, be it

ORDERED, the Senate concurring, that the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine take this opportunity while assembled in special session to commend the National Special Olympics Committee, members of the Saddleback Mountain Ski Area and other contributors, on their site selection and program of special olympic events for retarded children, who have made this worthy event possible for these deserving youngsters; and be it further

ORDERED, that suitable copies of this Order be prepared and presented to Mrs. Eunice Shriver, Director of the National Special Olympics Committee and Mr. John Christie, President of Saddleback Mountain Ski Area in appreciation of such efforts. (H. P. 1875)

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

House Reports of Committees

Leave to Withdraw

Mrs. Baker from Committee on Judiciary on Bill "An Act Relating to Personal Service of Process Outside the State under the Unfair Trade Practices Act" (H. P. 1697) (L. D. 2090) Emergency reporting Leave to Withdraw

Report was read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Smith from Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Emergency Medical Training for Ambulance and Rescue Personnel" (H. P. 1660) (L. D. 2053) reporting "Ought to pass" as amended by Committee Amendment "A".

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-635) was read by the Clerk and adopted and tomorrow assigned for second reading of the Bill.

Consent Calendar First Day

(S. P. 741) (L. D. 2153) Bill "An Act to Authorize County Commissioners of Oxford County to use 1974 Federal Revenue

Sharing Funds for Hangar Facility at Oxford County Regional Airport" — Committee on County Government reporting "Ought to pass"

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

(S. P. 743) (L. D. 2155) Bill "An Act to Authorize County Commissioners of Oxford County to Use 1974 Federal Revenue Sharing Funds to Support Oxford County Extension Service" — Same Committee reporting "Ought to pass"

On the Request of Mr. Churchill of Orland, was removed from the Consent Calendar.

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

Mr. CHURCHILL: Mr. Speaker and Members of the House: I did this because Representative Trumbull was having an amendment prepared to it. I don't see Mr. Trumbull in his seat. Could we have this tabled?

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

(S. P. 709) (L. D. 2121) Resolution Proposing an Amendment to the Constitution to Eliminate the Three-Month Voting Residence Requirement Following a Change of Residence Within the State — Committee on Election Laws reporting "Ought to pass" as amended by Committee Amendment "A" (S-310)

(S. P. 732) (L. D. 2144) Bill "An Act Relating to Equitable Relief after Period of Redemption in Real Estate Sales or Liens" — Committee on Judiciary reporting "Ought to pass"

(S. P. 766) (L. D. 2197) Bill "An Act to Establish Guidelines for Release of Accused Persons Pending Trial" — Same Committee reporting "Ought to pass" as amended by Committee Amendment "A" (S-311)

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

Consent Calendar Second Day

(H. P. 1698) (L. D. 2091) Emergency Bill "An Act Relating to Place of Ex-

amination under Unfair Trade Practices Act”

(H. P. 1750) (L. D. 2209) Bill “An Act to Amend the Law Relating to Attempted Escapes from the Maine State Prison”

(S. P. 761) (L. D. 2192) Resolve Designating State Route No. 157 and State Route No. 201 in Maine as a Blue Star Memorial Highway

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

Passed to Be Engrossed

Bill “An Act to Appropriate Moneys for Legislative Expenditures” (S. P. 730) (L. D. 2142) Emergency

Bill “An Act Making Appropriations for the Supplemental Security Income Program” (S. P. 823) (L. D. 2335) Emergency

Bill “An Act Requiring a Lighted Headlamp on Motorcycles Using the Highway” (H. P. 1721) (L. D. 2114)

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

Passed to Be Enacted Emergency Measure

An Act Increasing Indebtedness of Caribou Hospital District (H. P. 1672) (L. D. 2065)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Permit Town of North Berwick to Accept a Conveyance of the Friends Burying Ground and the Endowments Connected Therewith (H. P. 1702) (L. D. 2095)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in

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

Emergency Measure

An Act to Validate Proceedings Authorizing the Borrowing of Money and the Purchase and Transfer of Certain Real Estate to the Dover-Foxcroft Housing Development Corporation by the Town of Dover-Foxcroft (H. P. 1706) (L. D. 2099)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Correct an Inconsistency in the District Attorney Law (S. P. 731) (L. D. 2143) (C. “A” S-309)

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.

Enactor

Indefinitely Postponed

An Act to Permit Hours of Sale of Liquor in Take-out Stores to Correspond with On-premises Establishments (S. P. 762) (L. D. 2193)

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

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

Mr. FARNHAM: Mr. Speaker, I now move for the indefinite postponement of Senate Paper 762, L. D. 2193, and would speak to my motion, and when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the indefinite postponement of this Bill and requests a roll call.

The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: This is

another bill whose intent probably is to create more fatal accidents due to drunken drivers. I am sure we are all interested and hopefully expecting a decrease in our automobile insurance rates, as a reduction in the speed limits has already indicated a major reduction in accidents of all kinds on the highways.

What this bill does, it sounds very simple, it permits retail stores to stay open until later at night, retail stores handling beer and wine. Many of you are familiar with a lot of the rural stores in the State of Maine, gas pumps, enough groceries to clear the law, a license to sell beer and wine, the last stop on the way home for somebody who isn't already seeing too good, another chance to reload with wine or beer, run off the road, hit a tree, and another fatal.

I know someone will say that the law now is discriminatory in that restaurants, class A taverns, hotels and clubs and so forth may stay open until 1 a.m. We do not correct a wrong by adding another wrong to the law. I urge all of you to think this thing through and let people get home sometime before three in the morning somewhat sober.

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

Mr. FARLEY: Mr. Speaker and Members of the House: I couldn't state a better argument than the gentleman from Hampden, Mr. Farnham, just did. What this bill will do, instead of somebody stopping at a beer tavern or something, then getting in his automobile and driving home, it will permit the man to stop at a store when he gets out of work, bring the malt beverage home and drink it in the safety of his home, not on the highways. He won't be on the highways drinking.

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

Hampden, Mr. Farnham, that this Bill be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Cameron, Carrier, Chick, Chonko, Churchill, Clark, Cooney, Cottrell, Davis, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Flynn, Gahagan, Good, Goodwin, K.; Hamblen, Hoffses, Huber, Hunter, Immonen, Kelley, Kelley, R. P.; Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, Maddox, Mahany, McCormick, McNally, Merrill, Morton, Murchison, Palmer, Parks, Rollins, Ross, Shaw, Shute, Silverman, Smith, D. M.; Sproul, Strout, Susi, Trask, Twitchell, Tyndale, Walker, Webber, White, Willard, Wood, M. E.

NAY — Berube, Binnette, Brown, Carey, Carter, Cote, Cressey, Curran, Deshaies, Drigotas, Dunleavy, Farley, Fecteau, Ferris, Fraser, Garsoe, Genest, Goodwin, H.; Greenlaw, Hancock, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, Knight, LaPointe, LeBlanc, MacLeod, Martin, Maxwell, McHenry, McMahon, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Pontbriand, Pratt, Ricker, Rolde, Simpson, L. E.; Smith, S.; Snowe, Soulas, Stillings, Talbot, Theriault, Wheeler, Whitzell.

ABSENT — Briggs, Conley, Connolly, Crommett, Curtis, T. S., Jr.; Dam, Donaghy, Dow, Evans, Faucher, Gauthier, Haskell, Herrick, Hobbins, Jackson, LaCharite, McKernan, Peterson, Santoro, Sheltra, Tanguay, Tierney, Trumbull.

Yes, 69; No, 58; Absent, 23.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-eight in the negative, with twenty-three being absent, the motion does prevail.

Thereupon, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

Passed to Be Enacted cont'd.

An Act to Amend the Charter of the

Maine Wesleyan Board of Education (H. P. 1670) (L. D. 2063)

An Act Relating to Voting Shares of Stock of Northeast Harbor Golf Club (H. P. 1700) (L. D. 2093)

An Act to Amend the Charter of the Bangor Recreation Center (H. P. 1751) (L. D. 2210)

An Act to Describe a Section of the Town Line between the Towns of Bristol and Bremen (H. P. 1752) (L. D. 2211)

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

Orders of the Day

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

Bill "An Act Providing Funds to Pine Tree Legal Assistance, Inc. for Continued Legal Representations for those Unable to Afford such Representation" (S. P. 754) (L. D. 2164) Emergency

Tabled — January 15, by Mr. Carrier of Westbrook.

Pending — Acceptance in concurrence.

Came from the Senate with the "Ought to pass" report read and accepted and the Bill passed to be engrossed, as amended by Senate Amendment "A" (S-313).

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

Mr. BINNETTE: Mr. Speaker, I would like at this time to move for indefinite postponement of Senate Paper 754, L. D. 2164. I now move for indefinite postponement of this Bill and all accompanying papers.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves the indefinite postponement of this Bill and all accompanying papers.

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

Mr. HASKELL: Mr. Speaker, Ladies and Gentlemen of the House: We had a hearing on this bill, quite a comprehensive hearing. The committee recognized that this organization has been somewhat controversial, but it was noteworthy at the hearing that all of the testimony offered to the committee was from proponents. There was nobody at

the hearing in opposition to the bill. We did have testimony offered from the Attorney General's office, from the Cumberland County Bar Association, from individual lawyers all over the state who supported it, and we were presented with a very comprehensive body of testimony regarding the value to the low income citizens of the state of this organization.

The thing in the testimony that particularly impressed me was the fact that of the complaints considered by this group, something in the order of 85 to 90 percent of the complaints were settled by Pine Tree Legal without litigation. In other words, a great mass of the work that is done by this body consists of advice given to low income people and solutions to problems which are in the legal area that perplex people and which normally, in the absence of an organization such as this, would not have access to this kind of advice. So it seems to me that the bulk of the work being done here is very necessary work. It is work that in the absence of an organization such as this would not be accomplished.

We had testimony that almost without exception this type of service is provided in all other states, and if we pursue this morning the indefinite postponement of this bill, it seems to me we are cutting off a very necessary and a very valuable service to a great many Maine citizens. The caseload to date of this organization is something in the area of 40,000 cases. I think it is readily apparent that this is a necessary service and a valuable service, and I would ask you to go along with the unanimous report out of the committee that this bill "ought to pass."

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

Mr. HOFFSES: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Houlton, Mr. Haskell. My question is, is the Pine Tree Legal Association staying strictly within the bounds and guidelines set down by them, or are they overstepping their bounds to some extent? That question has been raised. I would like to have the gentleman from Houlton answer the question if he would, please.

The SPEAKER: The gentleman from Camden, Mr. Hoffses, poses a question

through the Chair to the gentleman from Houlton, Mr. Haskell, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. HASKELL: Mr. Speaker and Members of the House: The committee has to rely on the material that is developed in a hearing. There was absolutely not a single person who indicated any problem whatever with the action of the Pine Tree Legal.

Now, individual members of the committee, I am sure, have talked with individual legislators and others who have had problems with the method of operation. However, we had not one shred of evidence to support the point of view which Representative Hoffses questioned me about.

I do not have the answer out of my own knowledge, and certainly none was developed in the hearing.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I regret that I wasn't able to appear before this able body that heard the bill. I was at another hearing and have other things I would like to tell you. But, let me tell you that the people I represent have had it with this particular Pine Tree Society. And if there is anything I have had any complaints about in my area, it has been this.

I probably supported the original concept because I like to see poor people have help. There is nothing I would like better. But this has gone beyond that in my area many times, and I would like to cite you a few instances.

I know of some people in my area and in this city that this particular group, the Pine Tree Society, has helped get a divorce and has urged them to do so and got it for them and in my opinion shouldn't have a divorce. They are still living together after a divorce and we are paying mother's aid or what have you, aid to dependent children as a result. I think some of their members have interested people in getting divorces and they shouldn't have a divorce. They should have had a reconciliation, and given a little time, there would have been.

The case that is outstanding in my area, so outstanding, we had a child on the bus give another child a push because the other child, the one that was defended by the Pine Tree Legal Society had blacked both of his eyes and pounded his face so he couldn't see, so he pushed this child out of the way, and in pushing him the child got his arm broken. So his father sued a man in my town who runs a saw mill and it went to the court in Bangor and it cost the man about ten to twelve hundred dollars to defend himself, the innocent party. All the children in the school who were on the bus had to go to the hearing, they had to lose a day of school. My brother drove the school bus, so he got paid for the day. These are some of the things we got into. The man was found innocent with no trouble at all in court. It gave another Bangor attorney a good job. He got \$1200 easy money for a few days in court, so I can see where a lot of your attorneys would want it. It is good business on their part defending the party that has got money.

But this kind of case disturbs my whole town, because these children all went home and told their parents what went on in the school bus and also what went on in court. For this reason, on many occasions I have stood before this House and voted not necessarily by the way I felt, but I feel as though while I am here that I have to defend the constituents that I represent. I know they feel very strongly on this issue, and I am going to try to present a very strong case to you in favor of the motion before the House. I probably can't present a very good case because I lack words to express myself properly, but I hope I get the message to you that I am asking you, and I hope you will, and I am going to vote with Mr. Binnette to indefinitely postpone this bill.

I have had it and I know a lot of my constituents have had enough of this Pine Tree Legal Society. No doubt about it; I will give them credit, they probably have done some good. But in doing that, that is why they want more money. They want to expand and get a lot more of this, and this is costing us a lot more money than meets the eye, because a lot of people — one of the biggest things that I

think they use it for, at least in my area, is acquiring divorces for people who really shouldn't have a divorce in the first place. This is costing us a lot of money in aid to dependent children. I think it does in a sense clutter up our courts to some degree, because the courts are busier than they used to be since we have had this, and of course the attorneys in my area, the Bangor area and around there, they are doing a good business that they normally wouldn't be doing. So it does make business, but this particular business I am not here to defend.

I hope you will vote with Mr. Binnette and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: As I interpret this bill, we are being asked to fund a private corporation with \$165,000 for taxpayers' money.

This corporation could in turn use this money to fight me or us in court. Well I have enough free problems without buying or funding additional ones.

I hope we go along with Mr. Binnette's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: I want to support the indefinite postponement motion made by Representative Binnette. I would like to relate to you briefly a few experiences I have had with the Pine Tree Legal. Of course, this was one of the old OEO programs started under the Johnson administration. It had its birth in and was funded under OEO, and on several later dates of re-evaluation of the OEO programs, it was proved they were 90 percent inefficient, because only about 10 percent ever trickled down to the poor. The rest of the money was wasted in administration and personnel.

I can say one thing that they have been good at. They are really proficient in selling welfare. I have to agree with Mr. Dudley on that. When I was a selectman, I could relate many cases that they brought to us, but the one that I encountered in legislature I would like to relate, because if people here that sat in on the

hearing, under the Veterans Retirement Committee we had Warden Robbins of the Maine State Prison at Thomaston here to testify before our committee.

At the committee hearing we sat around and had a session and asked some questions. One of the questions was his biggest problem he had down at Thomaston, and immediately he replied, "The Pine Tree Legal." We asked him why this was. He said, "They have tried to spring almost every inmate I have in the place." Besides that, he said they have threatened me, they have criticized the treatment of prisoners, and they had harassed him and threatened him and abused him to the extent that on the telephone calls he wasn't allowed to have a tape recorder, so he had one of his clerks sit in to witness some of the conversations. I really believe that their actions down there hastened his retirement.

When I was selectman in our little town of a thousand souls, we had some calls from them that they didn't like the way we were distributing the surplus food. We would handle it once a month through the town hall the same as most of your small towns. So then we went to Community Action and had them bring it up by the busload and the people came with their cars and picked it up. It was a central location. The geographical location is in the center of town, but they weren't satisfied with this. They wanted us to distribute it to several points so it would be much easier for the people to pick it up. Well, 95 percent of them had cars, and it was no problem for them to drive over. Some of them were two-car families. The ones who were shut ins, usually the selectmen delivered it to them anyway.

Another occasion, I had one of the members of the executive council call me one day, and as you people probably know, they have to clear the applications for notary public commissions, and I had a call from our executive councilman asking me about a character in our town, he wanted to know if I thought he would be a good person to have a notary stamp. I was amazed when he told me his name, and I questioned how he got the \$10, because he had been a part-time welfare recipient. He said, "Well, I can tell you

how he got the \$10. One of the Pine Tree lawyers gave him a check, one of his own checks." At the time, this man, incidentally, who put in the application has never worked. He hasn't worked yet. He has been luckier than most of us. He does handle a few junk cars, sort of a midnight auto parts company he runs, and I said, "I certainly wouldn't recommend him, but why don't you call the local state police officer. He knows the man, I am sure." So I saw the state police officer a few days later and said, "Yes, he did get a call, and I said, "What was your reply?" He said, "I told him I had the man under surveillance at the time and we were about to arrest him for handling hot auto parts and I certainly wouldn't recommend him." So I think his application was denied.

I could go on a few more instances. I know a couple of my superintendents of schools had expelled a boy and he was back in a few days, very defiant, with the Pine Tree Legal attorney at his heels who had pleaded his case for him.

You talk with some of your college administrators back when we were having the college riots, you will find out they were very much involved in this, too.

I certainly hope you indefinitely postpone this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: As a member of the Appropriations Committee who agreed to this unanimous "ought to pass" report on this bill, I say at this time that I think it is regrettable that some of these people who have spoken this morning didn't appear before the committee. I think I would say that I, in agreeing to go along with the unanimous report, was completely aware that the things that they are saying to you this morning are true. I was also aware that the word got out that I supported this Pine Tree Legal Association in this bill, that every municipal officer in Aroostook County would want my hide nailed to the barn door, and I don't know as I blame them.

I am in somewhat of a quandary to know how to vote on this. It is well known to the committee that I signed the un-

animous report or agreed to the unanimous report somewhat under duress. I haven't decided yet whether I will take a walk or whether I will vote with the majority.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am a lawyer. I do not practice to any extent and am not involved in this type of practice at all. I am, however, aware of what the former system used to be, and it was atrocious. If you think this current system of the Pine Tree Legal Assistance Association is bad, you should have seen what we used to have.

In discussing this matter with the Attorney General the other day, he brought to my attention that it is his feeling, and it is certainly mine, that I would rather have many of these problems straightened out in the court where people are represented by competent counsel than worked out in the streets in Maine. I think you are all better off if we take these problems into court and have them properly settled by lawyers and competent counsel representing these people.

I certainly oppose the motion of the gentleman from Old Town. I don't like to; he is a good friend. But nevertheless, I think he is wrong in this position.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to any attorney in the House who can explain to me. On cases I have handled on this matter, and I have sent them to Pine Tree Legal Association, and in my mind they were very worthy cases. Most of them were widows who had no money, no source of income whatsoever and were turned down on representation on the fact that it generates a fee. Can any attorney in the House explain to me what the guideline is that generates a fee that refuses a poor person?

The SPEAKER: The gentleman from Eastport, Mr. Mills, 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 Members of the House: There was reference made here this morning that some 40,000 cases have been settled out of court by Pine Tree Legal action. I would like to submit why many of these cases have been settled out of court in the case of a small business man who tries to collect money due him. In the last session we changed the small claims law where the person submitting the claim must appear in court himself or his attorney. I think you will find today that on a small claim many times the person you are suing to collect money will be represented by Pine Tree. And myself, if I have a case in court and my opposition has a lawyer, I have to hire a lawyer. So in the case of trying to collect a \$50 bill, from a business standpoint, I cannot afford to pay a lawyer \$150. And myself, like many small businessmen in the State of Maine, are writing off these bills as uncollectable, bills that we cannot afford to collect.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I thought I might try to reply to some of the things that have been said here in opposition to this bill this morning. Mr. Dudley charged that Pine Tree Legal was seeking out cases. I don't know of a single instance and I doubt Mr. Dudley's instance this morning trying to prove to us that they are seeking out cases. As a matter of fact, as Mr. Mills has pointed out, they have turned down many cases. There is more than they can really handle in this state.

In 1970, they turned down 1300 cases; and in 1971, they turned down 2100 cases; in 1972, they turned down 2900 cases; in 1973, in nine months they turned down 1300 cases. The guidelines that Mr. Mills refers to were federal guidelines. I suppose the rationale behind those is simply that this service is supposed to be available to poor people in non-fee generating cases. I know that many times we often-times — I have sent cases to Pine Tree myself that I thought were justifiable. I know that they have to look at these cases and very often determine from all of the cases before them what cases have

precedent value, what cases can do the most people the most good. I know their resources are limited, and I think we have to realize that if any of us ever do send cases to Pine Tree Legal. They are not out seeking cases; they have more than they can handle that just come to them off the street. L. D. 2164, in my opinion, is a very, very important bill, not only for the poor people in the State of Maine, but also for all of the non-poor people.

Let me just discuss with you some of the things that I think. In fighting for the rights of the low income people of Maine, Pine Tree has actually helped all of us other citizens. They have accomplished the elimination of debtors prison. They have helped in the establishment of livability in all housing units. They have established the right of counsel for anyone facing imprisonment, including juveniles. They have helped in the establishment of fair hearing procedures in cases involving termination of Medicaid benefits. They have helped in the establishment of the right to a fair hearing where the state is trying to remove children from their mother's care. I would like to know who among us would deny these due process rights to anybody in this state? I don't think there is anybody who, on careful and reasonable reflection, would deny these rights to anybody.

I think that Pine Tree has been attacked here on non-substantive grounds. I think that these cases should have been brought before the Appropriations Committee. If anybody felt strongly enough about them to stand on the floor of this House and tell you about them, they should have been brought before the Appropriations Committee and given us a chance to look into them. I don't think they were brought before the Appropriations Committee because I don't believe they have substance. I don't believe they would stand up under the scrutiny the Appropriations Committee would give them. I hope that you will go along with what has been a unanimous decision of the Appropriations Committee and support this bill and vote against the motion to indefinitely postpone.

Mr. Emery of Rockland presented the following Order and moved its passage :

ORDERED, that Carole A. Heath and Albert I. Maloney of Rockland be appointed Honorary Pages for today.

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

The SPEAKER: Will the gentleman from Rockland, Mr. Emery, kindly come to the rostrum.

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, to indefinitely postpone both Report and Bill.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I really should not say much this morning about this, because I believe that it is very clear what we should do with this bill. I suggest to you that most of the speakers here this morning, some of them have done it very well.

I am not apt to expand upon the truth of what is going on within that Pine Tree Legal. I have always been an opponent to the Pine Tree Legal for many reasons, and mostly for abuses that they use as individuals against the taxpayer, using the taxpayer's money to sue them.

Now I submit to you that the title of this bill is very deceiving. It is always a trick and not a unique one for the proponents of such a bill to somehow or other include in the title or insinuate that this is going to affect the poor; that if you vote against it or if you do anything against it you are thereby taking away — and even the word rights was brought up here of the poor. But it wasn't mentioned that it was the rights of the poor today. Somebody said recently, before I forget it, that Pine Tree Legal initiated, or leads you to believe that they initiated, free counsel for the ones that were faced with convictions. Well, let me tell you, I assume that all of you know that they did not initiate it. This is a mandate that they got. They have to have this. They are the ones that put it in, and this is why it is in there. So this is no great idea or great shakes they made over there.

Now, since the inception of Pine Tree Legal, which apparently at that time received, and it had to receive the support of the Maine State Bar in order to get into operation, the people that have represented Pine Tree Legal do not represent the poor people. Most of the money that has gone to Pine Tree Legal has gone into salaries and that is where it is going right now, and that is where it has been going for the last few years that I know of. And just to refresh your memory, which they don't tell you anything about it, how much did Pine Tree Legal get last year? How much did they get from the federal government years ago? It always adds up to the tune of close to half a million dollars.

Now with a half a million dollars you can represent a lot of cases, if they stick to what the original purpose of the thing was. But instead of sticking to civil cases and representing the poor and representing the ones who need it, they made it a practice to go around and to represent cases for groups. Is this what this is supposed to be, to represent groups? This is what they are doing today instead of what the thing actually is funded for, in order that they can sue you. They say they don't seek cases. I know of cases that they have sought. They tell the people, "I have heard this," and they call them up. If you don't believe me, all you have to do is look at the type of people that represent them, that work for this outfit. There are a few exceptions, and this I want you to know.

But in general, and you ask almost any lawyer — almost any lawyer — these people actually are always figuring something against the State of Maine, against the laws of the State of Maine. And actually, I wonder if it is constitutional what they are doing and under what practices they work. But I submit to you that I am not about to give them another additional \$165,000. They have already got at least a half a million from the government this year. And if they can't operate on that, I don't think — you got that Cumberland Aid, Legal Aid Clinic. You have got the State Bar Association. Why don't they make them compulsory? And I don't think they would have to make it compulsory. Do it like they used to do before, voluntarily. One lawyer gives,

probably, half a day's time a month, and we wouldn't need all this stuff, and we didn't have this trouble. And I can assure you that the lawyers that I know are not very happy with these people.

In the first place, for those of you who feel strongly about it, most of these fellows who are in here are out of staters. They are not the local lawyers; they are out of staters. The local lawyers get in there, two or three months of it and they get out.

I think this is a very ridiculous bill. I think that the money could be better used. I think that we have many bills in this session that would require help to Pineland, would require help to the mental hospitals and all that stuff.

I think that all this stuff here — people have said that there were no opponents at the meeting. This is quite true. I am a very strong opponent of this bill. I am very strong opponent of other bills, and I am here this session as in the past, not to criticize but to try to pass good laws. Let's get rid of what is no good, and let's pass what is good. And this is what I intend to do.

I assure you that I could have gone to the meeting and I could have given them a good spiel and a true spiel the truth about this lousy outfit that comes here this morning and wants this stuff. One of the other things, the amendment, the amendment that takes off the emergency. If you want to try to pass a bill, take off the emergency. Well they can take off the emergency. They can put in that they are going to try to give all kinds of goodies to me or to others on this and I still won't vote for it.

If you don't believe me about what kind of an outfit this is, all you have to do on your own, whenever you have time, now or after this session, just check on this. Ask your constituents, ask the lawyers, but check on it, and you will find out that the reason that they cannot keep personnel, and this is very essential, that in Portland they just changed a short while ago and the president left. Good wages? I think the last one had \$16,500 or a little more — \$16,500. I picked up the paper last week in Augusta — and I couldn't be interested less in this outfit, but for some reason they are always staring me in the face. I saw a

picture in there of this guy down here that left to go into private practice. Now, you look back at the record. Why is it that these people leave Pine Tree Legal? It is because they can not accept the philosophy that these people promote and I can not either. I think the money can be used in a much better place. If they cannot operate on a half a million dollars, I don't think they can on \$165,000 thousand. And I can guarantee you, for what it is worth, that if you give them \$165,000 today, you are setting a precedent. And next time, if the funds are cut off by the federal government, they will be here not for \$500,000 or what they got before, but for \$500,000-plus probably, up to a million dollars. This is going to mushroom to a point where I can not accept it now and would not accept it then. Thank you.

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

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the gentleman from Westbrook, Mr. Carrier, brought out the point that no money has been lost from the federal. They are still getting the half million dollars that they have been getting right along. This is one of the reasons that made me very reluctant to go along with the committee. I just simply want to get this clear that they have not lost any money. They just simply asked us that the state go along with the federal in additional financing of this project.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: Many of us could not attend this hearing, as we had hearings of our own. But I would like to ask one question of the gentleman from Dover-Foxcroft. I would like to know of just one case that the Pine Tree Legal Affairs turned down that they thought that they had any chance of winning?

The SPEAKER pro tem: The gentleman poses a question through the Chair to the gentleman from Dover-Foxcroft, who may answer if he chooses.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: It seems to be a pretty stormy morning out. I will attempt to answer a few questions. Perhaps when I am talking the answer to Mr. Brawn's question will come out.

The program accepts only civil cases which are not fee generating. Criminal cases are excluded. The Pine Tree Legal does not represent anyone involved in a criminal case.

Now, as to Representative Mills' question. To be eligible an applicant must reside in the State of Maine. His case must not conflict with that of any previous client, and he must be financially eligible. By that we mean that he must be within an income bracket that he is eligible. In other words, he has got to be poor enough to get the service. All officers serve groups, provided that the majority of group members would be eligible as individuals. The financial eligibility, maximum annual income for single persons, \$2,500 and additional income of \$400 allowed for each dependent. Ability to employ a lawyer; the basic standard is a relative question dependent upon many factors, including the financial means of the applicant, the nature and cost of the necessary legal services, flexibility which will permit each case to be considered on an individual basis in order to avoid unfairness to private practitioners on the one hand, and to needy persons on the other is considered necessary by the board of directors. Fee-generating cases are rejected.

Since we are concerned with the ability of the applicant to purchase a service, all applicants have their disposable assets, borrowing power considered conversely the presence of debts, eminent health needs are also considered.

The applicants that are not accepted, ineligible applicants with legal problems are advised to consult an attorney of their own choice. If they have no choice, their case is referred to one of several attorneys on our referral list.

Applicants in Portland accused of criminal offenses — to answer part of Mr. Carrier's thing — are referred to the Cumberland County Legal Aid Clinic. Primarily the Legal Aid Clinic represents people who are in trouble in that area. Conflict of interest cases are always referred to another attorney.

Persons with non-legal problems are frequently assisted through referral in obtaining social, medical, employment, housing or other appropriate assistance.

Now the source of referrals to Pine Tree come mostly from friends and relatives, groups, and private, government and social agencies.

The type of cases heard in 1972, on a percentage breakdown — just so it will give you an idea of the broad scope they cover — consumer unemployment was 19 percent, administrative was 18.9, housing was 13.1, family problems were 28.5, and miscellaneous was 20.5.

I am going to read, I wasn't, but just to try and set the record straight and in my opinion the man that would have as good a handle on this problem of anyone in the State of Maine the Attorney General, I requested his permission to read this letter. He gave me his permission, as long as I read it in its entirety, and it states: "Dear Senator Sewall: This is to place this office in support of the above request for funding for Pine Tree Legal Assistance, Inc.

"It may seem strange to have this office support the fund request of Pine Tree. We often find the Attorney General's Office defending against a civil action brought by Pine Tree. We frequently disagree with the priorities apparently established by Pine Tree Legal Assistance, Inc. We think they sometimes get off on a crazy tangent.

"Despite these honest differences of opinion, this office recognizes that Pine Tree Legal Assistance, Inc., carries out a valuable needed function in the representation of low income people. Occasionally, our office and Pine Tree are able to cooperate in accomplishing a desirable objective.

"It has been said that when you close the door to the courthouse you open the door to the streets. For many of our low income people Pine Tree Legal Assistance, Inc., represents access to the courthouse and it is our firm belief that this access should not be closed." And this is signed by the Attorney General of the State of Maine.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I don't have

any knowledge of how these offices operate. I have heard the figure \$500,000 used here, and now it is \$165,000 from the state. I haven't heard it explained whether this is matching funds or not. Could somebody tell me about that?

The SPEAKER pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I could have whispered to Mr. Mills what it was.

This is no matching fund and you better believe it. This is \$165,000 right out of the fund, and this is where it comes from. I want to say that I was listening very intently to what the Representative from Brewer said. But, you know, I think that he believes we are in a different era here. He refers to person, and person and person. I touched the subject of class groups and class action. I didn't hear any mention about class actions, and this is where your trouble comes in, some of the trouble comes in, class actions against yourself using your own money to sue you and using your own money for their wages.

This is what happens, and I cannot digest this type of philosophy. That is all it is. And if they could show me at any time or if they could devise a way — not this \$165,000 I would never go for it anyway but to come out with a program that shows that the money goes to the people that need it, I would support a lot of their programs. But I cannot under this, and as far as the letter is concerned, I am not worried about it because I can write letters, too.

Mr. Smith of Dover-Foxcroft requested a roll call vote.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Old Town, Mr. Binnette, that both Report and Bill "An Act Providing Funds to Pine Tree Legal Assistance,

Inc. for Continued Legal Representations for Those Unable to Afford Such Representation," Senate Paper 754, L. D. 2164, be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Binnette, Birt, Bither, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cressey, Curran, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Fraser, Gahagan, Gauthier, Good, Hamblen, Hoffses, Hunter, Immonen, Jacques, Kauffman, Kelleher, Kelley, Keyte, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, McCormick, McNally, Merrill, Morin, L.; Palmer, Parks, Pontbriand, Pratt, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Strout, Theriault, Trask, Walker, Webber, Willard.

NAY — Albert, Berry, G. W.; Berry, P. P.; Boudreau, Briggs, Brown, Bustin, Carter, Chunko, Clark, Connolly, Cottrell, Drigotas, Dunleavy, Farley, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Huber, Jalbert, Kilroy, Knight, LaPointe, Lawry, Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McMahon, McTeague, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Perkins, Ricker, Rolde, Rollins, Smith, D. M.; Smith, S.; Soulas, Stillings, Talbot, Tyndale, Wheeler, Whitzell, Wood, M. E.

ABSENT — Bragdon, Cooney, Crommett, Curtis, T.S., Jr., Dam, Dow, Emery, D. F.; Evans, Ferris, Jackson, Kelley, R. P.; LaCharite, McKernan, Peterson, Santoro, Susi, Tanguay, Tierney, Trumbull, White.

Yes, 69, No, 61; Absent, 20.

The SPEAKER pro tem: Sixty-nine having voted in the affirmative and sixty-one in the negative, with twenty being absent, the motion does prevail.

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

Mr. CAREY: Mr. Speaker, having voted on the prevailing side, I move for reconsideration and ask that you vote against me.

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

Mr. NORRIS: Mr. Speaker, I move this be tabled for one legislative day.

Thereupon, Mr. Carey of Waterville requested a vote on the tabling motion.

The SPEAKER pro tem: All those in favor of this matter being tabled for one legislative day pending the motion of Mr. Carey of Waterville to reconsider will vote yes; those opposed will vote no.

A vote of the House was taken.

49 having voted in the affirmative and 79 having voted in the negative, the motion did not prevail.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I did not get involved in the original debate for many reasons. One of them was, I was scared to get some friends of mine rather upset with what I believed and what I thought to be the case. If this is going to go down the tube, however, some points ought to be made about Pine Tree Legal Assistance programs, and its effect upon some of the people we are supposed to represent.

I fully agree with the gentleman from Westbrook, Mr. Carrier, that there have been abuses, and abuses obviously are the things which you and I are fully aware of, and those are the ones we hear about. That is very unfortunate. But on the other hand, there are many people who have been served by Pine Tree Legal who would have not been served by anyone else. For all the good that we say that private attorneys will do to help poor people, unless they are paid by someone they will not and cannot do it.

Attorneys who leave legal schools or law schools to practice for Pine Tree Legal do so for a couple of years, and then they go into private practice because certainly the grass is greener on the other side than it is working for the Pine Tree Legal Assistance Program.

I know of many people in my own legislative district who have been represented by Pine Tree Legal. I have not always agreed with what they have done. I have not always agreed with the views that these attorneys have taken.

But I have agreed that in the final analysis many of these people never would have been represented in a court of law if they had not been given an opportunity to have this type of representation.

It is unfortunate that we are caught in a situation this morning where many people react from abuses, the same way we are often caught about talking about abuses in the Welfare Program, abuses in the Highway program, abuses in many other types of programs.

I am not speaking here as leader of the Democratic Party, but as a simple legislator from a legislative district that is very rural, where people have been served and served well by many of the attorneys of the Pine Tree Legal Assistance Program.

If it is the proper time to do it. I would hope that you would reconsider, and perhaps that you might cast your vote for it at this time.

Mr. Speaker, when the vote is taken, I would ask that it be taken by the yeas and nays.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I am a simple legislator, as the previous speaker has said, and I must let my voice fall there. We are not trying to do away with the help for the poor on their legal affairs. This is additional money to what they already have.

We have had several very flagrant violations of good common sense, in my opinion, down our way on what Pine Tree Legal has tried to do and who they have tried to help. I am sure that if you will think back, we had one instance where an attorney got in trouble after suing the State of Massachusetts for some \$350 million, I believe, because he claimed that the Indians owned a good part of Washington County. And in helping the Indians he went a little further and there seemed to be a young Indian female involved in some drugs, and not just with this one individual but with several, and so he all of a sudden became indigent after giving his estate to his wife, and Pine Tree Legal fought his case against the State of Maine.

We have another example of a school teacher being fired. She happened to be the wife of the head of the Pine Tree Legal down our way, so he started a new school with funds set up for education of some sort. I expect it should have been a different type of education, but they used Pine Tree Legal education funds to start another school in Washington County in parallel to the public schools that were already furnished. I don't think that we need to condone or go along with extra money so they can do more of these things.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: The last gentleman who spoke told you just about what I want to. I want to tell you that we are not doing away with this Pine Tree Legal Society. They have a large appropriation that they have gotten from us in the past and the federal appropriations. All we are actually trying to do is stop expanding this.

I would like to tell you that I know I am representing the people where I come from. Their cries are many against this organization. Nobody has approached me to support them in any manner. And I think that my longevity here would prove that I have tried to represent these people, and I am certain that I wouldn't go out on a limb and reach here for something that they don't want. I am reaching for something that they don't want more of.

I am asking you not to reconsider, because we don't want any more of this. We have got enough of it and we are not taking away what we have now. We have got enough of it now, and all I am saying to you is we don't want any more of it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that the common theme here is that people don't need them, poor people don't need representation because the judgments have already been made.

Mr. Donaghy seems to be arguing that you don't need to have the people represented in these cases because he

already knows what is right and what is wrong. And Mr. Dudley is already well qualified to determine whether or not a divorce is possible. Mr. Pratt certainly doesn't need any help from a lawyer to decide whether a person should have a notary public seal.

It seems to me that the American system is based on justice and justice comes when both sides are represented, not when one side is denied representation. I think we should clarify the issue, and I think the minority leader has done an excellent job. The issue is whether or not poor people are going to be represented. If there is going to be justice for everyone on an equal basis, then they must be represented, and this is a good vehicle for representation.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I think the issue here has been stretched quite somewhat. I don't have any quarrel with the association that is mentioned here, but I do question supplementing federal programs with state monies. Every time there is a federal program that is started, either they don't have enough money from the federal government and they want to supplement it with state monies, or if the federal government drops a program, the state wants to keep it going. One point in mind is that we have a police academy that was started with federal money and now the state is going to be asked to furnish the money to keep up the police academy. What do we want? The police academy, the legal aid assistance, we want all of these federal programs taken over by the state. What is going to happen when revenue sharing stops at the federal level? Is the state going to take over that tab of millions and millions of dollars? I think it is about time we started evaluating what we really want in this state, what we really need, and some programs we just can't go along with because we feel it is money that is thrown away.

We are not stopping this Legal Aid Society program. All we are doing is putting a halt to a certain extent to it with state monies. If they can get this money from the federal government, I have got no quarrel with that, but I don't think

they should be getting additional money from the state. That is why I am going to vote for indefinite postponement.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Boudreau, Briggs, Brown, Bustin, Carter, Chonko, Clark, Connolly, Cottrell, Curran, Drigotas, Dunleavy, Farley, Fraser, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Huber, Jacques, Jalbert, Keller, Kelley, R. P.; Keyte, Kilroy, Knight, LaPointe, Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McMahon, McTeague, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Perkins, Ricker, Rolde, Rollins, Smith, D. M.; Smith, S.; Soulas, Stillings, Susi, Talbot, Twitchell, Tyndale, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cressey, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Farnham, Farrington, Faucher, Fecteau, Finemore, Flynn, Gauthier, Good, Hamblen, Hoffses, Hunter, Immonen, Kauffman, Kelley, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Maddox, McCormick, McNally, Merrill, Morin, L.; Palmer, Parks, Pontbriand, Pratt, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Sproul, Strout, Theriault, Trask, Walker, Webber, White, Willard, Wood, M. E.

ABSENT — Bragdon, Cooney, Crommett, Curtis, T. S., Jr.; Dam, Dow,

Emery, D. F.; Evans, Ferris, Jackson, LaCharite, McKernan, Peterson, Santoro, Tanguay, Tierney, Trumbull.

Yes, 66; No, 67; Absent, 17.

The SPEAKER pro tem: Sixty-six having voted in the affirmative and sixty-seven in the negative, with seventeen being absent, the motion does not prevail.

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

Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions" (H. P. 1781) (L. D. 2253)

Tabled — January 15, by Mr. Simpson of Standish.

Pending — Acceptance of any Report.

Report "A" "Ought not to pass."

Report "B" "Ought to pass" as amended by Committee Amendment "A" (H-630)

Report "C" "Ought to pass"

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I now move that this bill and all reports be indefinitely postponed and would speak to my motion.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, moves that this Bill and Reports be indefinitely postponed.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Our whole society has become so permissive to a point that is extremely frightening. Many persons feel that this starts in the home. Sincere, loving parents, in their wish that their children have more than they had, give them everything except parental discipline, so some children grow up to have no respect for anyone, not only their parents but teachers, clergy, police and so forth.

In line with modern, progressive ideas, courts are lulled into false impressions of modern justice and so-called up-to-date penalties, and lawyers, in their greed for successful acquittals, now more and more hide under technicalities. It has reached a point

where the police are extremely frustrated. Why should they arrest anybody, no matter how guilty they are, if they are just going to be turned free. It has spread to departments of correction and from there to the wardens themselves.

Now a small percentage ever get to prison, but if and when they do get there, the correctional experts seek all of the comforts and speedy releases for these persons. They are soothingly fooled into this by modern interpretation of fairness, human rights and progressiveness. They often act in a manner that to the average person seems utterly ridiculous. They are lulled by the term "social rehabilitation." They recommend such things as cohabitation, furloughs, equal pay, outside privileges and speedy releases.

Certain revolutionaries think tanks even recommend doing away with all prisons by 1976 and that they be replaced by more humane programs, but they never explain exactly what those are, and these ultra-liberal prison movements are sponsored by dissenting extremists. The results are that serious crimes have increased 74 percent in the last six years. In some places, only 9 out of 10, after committing serious offenses, go scott free, while often the average lawabiding citizen is made to feel like a criminal for going 30 miles per hour in a 25 mile zone. At the same time, we see real revolutionaries who seek to destroy and even overthrow our country go absolutely free. I specifically refer to such persons as Elsberg, Angela Davis, Bobby Seal, the Chicago Seven and the Gainesville Eight.

Many states now permit men and women to go to the same jail. This seems extremely fair, but they have found out that sex is rampant in these institutions, so they now provide birth control pills there and they even have abortion clinics. Here the inmates can get drugs even easier than on the outside. We in Maine certainly have not gone that far yet, and I say, let's not start by letting prisoners have privileges that honest, law-abiding citizens now have.

In one certain prison not too far from this state a certain convicted felon tried to sue the state for \$100,000, because when he was admitted a guard in search-

ing him confiscated a jar of peanut butter. Fortunately, this was denied, but it is no wonder that the wheels of government grind slowly if their cogs are stuck with peanut butter.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I must admit that I appreciate the rhetoric of the gentleman from Bath, Mr. Ross, but it got to me half through his speech. He discusses — and I am not even sure how I am going to vote on this bill because I do not know the details, and I suspect that I may end up voting against the gentleman from Bath, and that may not be a surprise to him either. But the thing that finally got to me in a sense was that it is the people who are in there for minor crimes who are being denied the right to vote. We have people who have been convicted of income tax evasion in this country, in this state, of major, major crimes, and they will continue to vote, and people who are in there because they couldn't get an attorney and who are there because they had no choice and the process of justice put them there for a minor infraction of stealing a can of peanut butter, they will be denied the right to vote. Yet, people who have stolen from the United States government, who have fixed their income tax papers, they will continue to vote. All I ask of all of you here, is that justice?

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I oppose the motion to indefinitely postpone. As you can see, we have three reports before us and I ask you to vote against Mr. Ross' motion so that we might accept Report B "ought to pass" as amended.

Maybe I didn't read this bill too carefully. I didn't realize we were talking about sex and all other sorts of things. I thought we were just talking about allowing some people to vote absentee.

If you defeat the motion before you and accept Report B, I will then present an amendment, House Amendment "A", which has been placed on your desks. This should take care of some of Mr.

Ross' objections, because these people would not be out, they would be voting absentee.

This would allow persons other than felons in jails or penal institutions to vote. Many other states do this. And although this is not what the original bill asked for, it is a step in the right direction. I am realistic enough to know that the original bill would never pass at this time.

The people my proposed amendment would affect would never have a great effect on any election, but I think they are the ones most capable of voting. They are apt not to have sentences of long duration; they haven't lost touch with their communities, and it certainly would be a rehabilitation effort on their part.

So I hope you will vote against the motion on the floor and accept the "ought to pass" as amended report.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am concerned by two statements made here, one by the gentleman from Eagle Lake, Mr. Martin, that we possibly have people in our county jails and state prison who are there because they did not have representation in court. I believe on the statutes of the State of Maine, a person who is before the courts who is faced with a decision based on whether or not they shall be incarcerated in the county jail or the state prison or men's reformatory or whatever it may be, are entitled to a court appointed attorney at the cost of the county where they are located, where the court is being held.

I think his statement that we have people in our penal institutions and county jails at the present time were there because they were not represented in court is erroneous.

I will take issue with the statement made by Mr. Ross, when he referred to some of the perversion going on in other states that it hasn't happened in Maine. I would like to suggest to Mr. Ross and the members of this House that Maine is not alone, we should be included in the other 50 states.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the signers of the minority "ought to pass" report. I signed this report "ought to pass" because of my thinking in two areas which I believe merit your consideration.

One, the present situation in regard to absentee voting or in regard to voting in person by people in our correctional institutions is so completely and totally inconsistent that it is a little difficult to justify our present method of handling this.

At the present time, those people who are in our correctional institutions can vote absentee for the two highest elected officials in the United States. I am, of course, referring to the President and Vice President of the United States.

During the last presidential election, and if my figures here are a little off, anyone on the Election Laws Committee can feel free to correct me, but I believe we were told that we have about 400 people in our correctional institutions, about 40 of them, or 10 percent, made the effort to apply and did vote in our presidential elections.

However, by our law now, even though they can vote for the president and the vice president, they cannot vote for their representative in the legislature or any other state or local official. I believe that this is completely and totally inconsistent.

It is quite possible at this time, two people convicted and imprisoned for a similar offense, one is released from prison on the day before the election, he may vote. The second is released from prison on the day after election, he may not. I consider this to be inconsistent.

The second area that I would like to discuss with you, which I think merits some consideration, is the field of our correctional institutions and what we are proposing to do with them.

At the moment our present system is much the same as it has been for many many years, two or three thousand years, and there is one thing that we know about this system, it doesn't work and it never has worked. If the goal of the state is to punish, to take vengeance upon those people who have committed

crimes against society, you can justify our present method of dealing with these people. If, however, it is our desire to attempt to rehabilitate some of these people, our present system is inadequate.

I would like to remind you ladies and gentlemen that we are talking about people. Almost every one of them in our correctional institutions now are going to be released and are going to have the opportunity to vote at some stage of the game. It is my suggestion that the prison interval does one thing at least, it stops the flow of events, the life pattern of these people. It gives us the opportunity to change this flow and perhaps send it along a little better direction.

Now, absentee voting for these people is only one small part of attempting to make that change, but I think it is a step that we can make and logically can make. And if it will help in any way to rehabilitate even a small percentage of some of these people, I think it is vastly important that we do so.

These were the two basic areas of thinking that lead me to sign the minority "ought to pass" report. There was one other thing that perhaps you should all be aware of. This was mentioned to me yesterday. I knew of the situation before, but it was mentioned to me yesterday by a very distinguished member of this body, that the class action by any of these people in the correctional institutions may very well lead to allowing them to vote in person. Now his concern was, what if this happens and, for example, those who are at Thomaston, do they all vote in the town of Thomaston? I think the more practical alternative the courts will elect is that they will be returned to their home and vote there. Now this is not just an idle daydream on my part; this is the result of talking with various informed people. This is probably going to happen.

If we do not allow for absentee voting, those people in prison who might not ever vote anyway, but if they are going to be assured of a ride home, you can bet that every one of them are going to apply for this privilege. If they are allowed to vote absentee, however, I would expect, at least at the start of this program, that a relatively small percentage would vote. Perhaps as people got more ac-

customed to it a larger percentage would happen.

So I think that we should also consider the terms of our effect of indefinitely postponing this measure in terms of what we may be forced physically into in transporting these people if the courts decide in this direction, which is a very strong possibility.

I hope that the motion to indefinitely postpone does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Snow.

Mrs. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: I also oppose the motion to indefinitely postpone. I signed the committee report as amended because I personally believe that these particular groups of prisoners should have the right to vote by absentee ballot. To them it would serve as a positive link to society to which they all will be returning and most possibly soon.

The courts have recognized, especially in recent years, that the right to vote is one of the most precious and fundamental rights enjoyed by citizens in a democratic society. The supreme court has suggested that the right of free suffrage is the most basic of all rights. Therefore, I think we should restore the right to vote to those incarcerated for a lesser offense. At least this is a beginning.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I will go along with Mr. Ross, as I signed the "ought not to pass" report, for my concern is for the victim of these people rather than the people themselves.

That little boy, well he is 15 years old, I believe, or about that age, in New York State who was kidnapped by three boys 18, 19 and 20 and left to freeze to death hitched to a tree. My sympathy goes with him; it doesn't go with the boys that did the crime. For sure, I think they should be punished, and fear has a lot to do with keeping people from committing crimes. And if we keep pampering these people, I fear it is the wrong approach.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I was a member of the committee that heard this bill, and I think I made my decision on two things. One, there was only a few who wanted to vote and that they let them out on weekends to see their girl friend and I thought if it was important enough to do that, it might be they wanted to vote and if that was important, they could let them out on Monday as well on a furlough to vote if that was important.

I would like to have the clerk read the signers of this report, the ones that reported "ought not to pass" and you can see why I am not going to talk half an hour on it.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I want to commend the representative from Bath for his eloquence. I wish I could express myself one eighth as good as he has done. He is very eloquent, and it is on a very, very rare occasion that I see the same picture as he does, but in this case I am going to be with Representative Ross, regardless of this motion to postpone it.

I am fearful that if this was allowed this would be just a crack in the door opening to benefit many people who are incarcerated. I think a lot of these people that are incarcerated, it is unfortunate. But by the same token it is costing the state a lot of money to keep them housed down there. They are well fed, and at the present time I think they are a little better off than some of these people, due to the energy crisis. They are in a heated home, anyway. That's for sure.

But leaving everything out, there are times that I believe that they should vote, and I think there are times that I think they shouldn't, because we are taking a lot of communities, many people are not confined and they don't vote. They seem to have an apathy; they don't care what the other fellow is doing. So I don't see why we have got to make a special effort to go out on a limb to cater to these people who are law breakers or violators of the law. Therefore, I certainly hope that we accept the motion to indefinitely postpone.

The SPEAKER pro tem: Pursuant to the previous request of the gentleman from Enfield, Mr. Dudley, would the Clerk please read the Committee Report.

Thereupon, the Report was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker and Members of the House: I don't want to give a speech, Mr. Speaker, but I seriously take exception to the remark of the gentleman from Enfield, Mr. Dudley, that any legislator who signed a particular report casts aspersions on that particular report.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the remarks of Representative Binnette, I will agree that many people on the outside do not take advantage of the privilege of voting, but they are not denied that privilege.

To answer Representative Willard, if he supports committee report "B" as amended, the people he talked about would not be voting anyway.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the 14 members of this Election Laws Committee. I would like to point out that we now have 14 members on this committee, and if the Clerk would care to tally up the number of signers, she will arrive at the figure of 14. I was one of the majority "ought not to pass."

Listening to the debate, I am in somewhat of a quandry. If I understood the gentlelady from Portland, Mrs. Boudreau, to say that these people who are incarcerated were far better qualified than the rest of us, then I think we all should all head for some penal institution so that we could become better qualified to vote.

One of the remarks that the gentleman from Casco, Mr. Hancock, made, I would like to point out to this body that I think we should not endeavor to prejudge a decision which the courts may or

may not make. I think this body should wait until the courts have made their decision rather than to prejudge what their decision is going to be relative to absentee voting or transportation of the prisoners to their respective voting places.

And in that same vein, I think perhaps the gentleman from Enfield, Mr. Dudley, may have really summed the whole situation up when he says, "If they can go home for the weekend on furlough to see the girl friend, I think perhaps we could be compassionate enough to leave them the extra day that they could vote on, a Monday."

Now there is a lot of rhetoric in regards to this piece of legislation which has been before us just some 8 months ago. We are supposed to be here in a special session to consider important and emergency measures. I think for just a moment that we should consider the taxpayer back home. If we don't care to consider the taxpayer at all, we can debate at great length these 500-plus bills which are coming in, many, many, many of which have been debated to great extent just a short time ago in the regular session. It is my belief that all of us as representatives of the people in our respective districts and representing the people in this state, we should get down to the more serious business of the emergency measures which need to be enacted, that we can go home, held in the energy crisis and that we can save the taxpayer a few dollars.

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

Mr. TALBOT: Mr. Speaker and Members of the House: In answer to the gentleman's question, Mr. Hoffses, insofar as emergency legislation, I didn't hear him speak the other day or the other week when we passed a bill here to change the name of a theatre organization, but I guess he thought that was emergency legislation and didn't want to speak on it.

Yes, I was one of the two who signed the minority report. I signed the very same minority report when we heard a similar bill during the regular session. But that bill, during the regular session, came out 10 to 1, and if you will add this

bill up, you will find that we have been making some kind of inroads in that area.

But what I would like to say is this, the most precious right we have in this country is the right to vote. Everything in our lives, from milk to ex-lax, revolves around the right to vote. I vote every chance I get, because too many people in this country have died just so I can have that right. Everything in this society revolves around politics, I don't care what it is. It revolves around politics because we sit here in the House or because people sit there in a penal institution.

We had good testimony on this bill during the hearing, and I can truthfully say that some of my best friends come from Old Town and Enfield. I say that because they were there, and they heard the good testimony. We heard testimony from the Bureau of Corrections and we heard testimony from the Governor's Task Force on Corrections substantiating and supporting this type of legislation.

I would like to answer another question that I think has come up or will come up insofar as it is their fault that they are there. I disagree with that wholeheartedly. I have a gentleman that I knew, that I still know, from the Portland area, and some of you may be more familiar with his case than I am. He went to Thomaston several years ago on a rape charge. He was just released last year, I think, because it was found out that he was sent to Thomaston illegally. The only reason why he was sent to Thomaston illegally—this went through the courts — was the fact that the night of the incident, the gentleman who allegedly committed this crime wore white sneakers. During the lineup — and this is in the court records and you can look it up, you don't have to take my hearsay for it — but in the lineup, this gentleman wore white sneakers and ended up in Thomaston. An innocent man ended up in Thomaston, spent a couple years of his life in Thomaston. That is to answer some of your questions.

We have just killed a bill — and the majority of you won't even begin to realize how much I wanted to say something on that bill, but I didn't — but you have just killed a bill stripping over 15,000 people in this state of the very

backbone of the access to court. Are we going to stand up here, are we going to sit in our seats and act as a further jury and put a further restriction on the people in our penal institutions and deny them the right to vote, a right that is going to affect them the rest of their lives, whether they are in there for 60 days or 60 years? I am not ready to do that, and I am probably wasting my time here trying to explain it to you because I think your minds are made up. But I did sign the minority report. I would hope that you would kill the motion that is on the floor today. I would ask another favor of you, that you would kill that will be brought if this motion is killed, that you would accept the minority report on this bill.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentleman from Eagle Lake, Mr. Martin, he stated that if a person was committed for a major crime, he had the right to vote but the others were disenfranchised entirely. That is not a correct statement. Everyone there can now vote or President and Vice President. But this, as you all know, was a supreme court decision, and the other offices cannot be voted for by either of these groups.

I see he is not in his seat. Perhaps he can hear my voice. I would like to ask him a question, though. When he mentioned major crimes, he did not put at the top of his list the obvious ones of murder, rape or other heinous offenses, but income tax irregularities. I only wonder if he did this because he had malice of forethought or that he put this at the top of his list because it was the first thing that came to him.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I believe that there is no member of this House who would disagree with the proposition that one of the hallmarks of a good citizen is the desire to vote. If an incarcerated person expresses that desire to vote, I would submit, ladies and

gentlemen, that it follows that he is necessarily already on the right track toward rehabilitation. Let's not sidetrack him today, gentlemen.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this Bill and all Reports be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

64 voted in the affirmative and 40 voted in the negative.

Thereupon, Mr. Talbot of Portland requested a roll call vote.

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

Mr. SIMPSON: Mr. Speaker, a parliamentary question, sir. Did you announce the vote?

The SPEAKER pro tem: Yes, I did.

Mr. SIMPSON: I would question then, sir, your ruling as to the allowance of a roll call after a vote has been announced.

The SPEAKER pro tem: The Chair would rule that the gavel has not been sounded. Therefore, the motion is in order.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that this Report and Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions," House Paper 1781, L. D. 2253, be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Conley, Cote, Cressey, Curran, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Emery,

D. F.; Evans, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Good, Hamblen, Herrick, Hoffses, Hunter, Jalbert, Kelleher, Kelley, R. P.; Keyte, Lawry, Lewis, E.; Littlefield, MacLeod, Maddox, McCormick, McHenry, McMahan, McNally, Merrill, Murchison, Parks, Pontbriand, Pratt, Ricker Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Sproul, Stillings, Strout, Trask, Trumbull, Walker, Webber, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Boudreau, Briggs, Bustin, Chonko, Clark, Connolly, Cooney, Cottrell, Drigotas, Dunleavy, Farley, Gahagan, Garsoe, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Huber, Jacques, Kauffman, Kelley, Kilroy, Knight, LaPointe, LeBlanc, Lewis, J.; Lynch, Martin, Maxwell, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulhern, Murray, Najarian, Norris, O'Brien, Perkins, Rolde, Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Theriault, Tyndale, Twitchell, Wheeler, White, Whitzell.

ABSENT — Brown, Crommett, Curtis, T. S., Jr.; Dam Dow, Gauthier, Immonen, Jackson, LaCharite, Mahany, McKernan, Palmer, Peterson, Santoro, Soulas, Tanguay, Tierney.

Yes, 75; No, 58; Absent, 17.

The SPEAKER pro tem: Seventy-five having voted in the affirmative and fifty-eight in the negative, with seventeen being absent, the motion does prevail.

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted Mr. Emery to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

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

Bill "An Act Increasing Salaries of Various County Officers" (H. P. 1732) (L. D. 2176)

Tabled — January 15, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I asked to have this tabled because of a problem that we have within Cumberland County that we would like to correct in this particular piece of legislation. We met yesterday afternoon and we are planning a meeting again this morning immediately following the end of the calendar, after a short recess. In so doing I would like to have somebody table this for one day so that we can clarify this.

Thereupon, on motion of Mrs. Boudreau of Portland, tabled pending passage to be engrossed and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Simpson of Standish, Recessed until the sounding of the gong.

**After Recess
12:00 noon**

The House was called to order by the Speaker.

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

Bill "An Act to Apportion the House of Representatives" (H. P. 1844) (L. D. 2351) Emergency.

Tabled — January 15, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

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

House Amendment "B" (H-632) was read by the Clerk.

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

Mr. MURRAY: Mr. Speaker and Members of the House: I now move the indefinite postponement of House Amendment "B" and would like to speak to my motion.

The SPEAKER: The gentleman from Bangor, Mr. Murray, moves the indefinite postponement of House Amendment "B". The gentleman may proceed.

Mr. MURRAY: Mr. Speaker, Men and Women of the House: The last regular session of this 106 Legislature we created a reapportionment commission. This reapportionment commission was created because in the last session we did not reapportion this House, and as we all know, today is the last day that we can perform this act. Since we didn't accomplish it in the regular session, the regular session created the House Reapportionment Commission which I was fortunate enough to serve on.

Besides myself, this commission was represented by the Democrats with Representative Martin of Eagle Lake and Representative O'Brien of Portland. The Republicans had three able members on the commission, Representative Birt from East Millinocket, Representative Lewis from Auburn and Representative Good. All six House members served on this commission from last August until the 28th of December when we finally finalized a plan.

I think that we should point out to you that this commission worked many many days, into the night sometimes, trying to come up with what we feel is a fair plan.

The commission met in the beginning and adopted particular guidelines that we would go by in coming up with a rational plan. I am sure someone else that speaks on this will explain actually what the rationale was.

We also started off with opinions and a report from the Attorney General's Office explaining the cases that have pended in the supreme court and actually what we could do as a commission to come up with a plan that would meet federal court guidelines.

After these preliminary meetings and decisions, we met and we went county by county. Democrats suggested plans, Republicans suggested plans, sometimes the chairman, an independent member would suggest plans. We got individuals from different parts of the party. The executive secretaries of both Democrat and Republican parties were there from time to time and made suggestions. And I think after all the suggestions were made, the commission came down and accepted some things the Democrats liked, some things the

Republicans liked. I would like to point out we went through this as a bipartisan commission step by step.

I think now what faces us today is an amendment which was conceived, mothered, fathered, nurtured, and everything else in the Republican Headquarters across the street.

I don't believe that this is the way that the House of Representatives should be apportioned today which will affect us in the State of Maine the next ten years. No plan that one party puts together can be fair, whether it be the Democratic party or the Republican party. And I think that no reasonable men would expect members of one party to accept a plan that was conceived in the headquarters of their opposition. Reasonable men would not expect such a thing to happen.

I think that today we ought to defeat this amendment. We ought to have explained to us exactly what the bipartisan commission did to come up with the proposal that is in the L.D. before us. And I don't think that we should allow or accept a plan where one party goes in and breaks up the cities and besides breaking up the cities revises the bipartisan commission work. This is what the amendment does.

So I urge you people, after you hear the procedures that this commission followed step by step, to reject Amendment "B" and pass the House Reapportionment Commission which was signed by all eleven members on that commission.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how many of you have had an opportunity to read in detail the opinion from the Attorney General's Office that the commission used in attempting to follow and set up guidelines under which the bipartisan commission would operate.

In a memorandum prepared by John Kendrick, he is an Assistant Attorney General, dated August 28, 1973, he made some points which he thought we ought to follow in order to conform with federal decisions of the United States Supreme Court. It is so important that I think we

ought to hear it, and I will be reading from that decision.

"In February 1973 the U.S. Supreme Court decided the Virginia House of Delegates apportionment case, *Mahan v. Howell*. The Mahan decision represents a significant departure from the absolute equality standard of earlier Supreme Court decisions. The Court held valid the Virginia apportionment plan even though it had a discrepancy in the House of Delegates of 16.4 per cent between the most and least populous districts. This discrepancy was allowed due to the rational state policy of respecting the boundaries of political subdivisions, drawing the lines so that counties and cities are not split up among different districts. Mahan should not be misunderstood to imply that any plan adopted by a state is legally defensible if the total variation is less than 16.4 per cent.

"The Court had held in 1967 (*Swann v. Adams*) that the burden is on the state to articulate acceptable reasons for variations from equally populated voting districts. This burden has been lightened to some extent by the two most recent 1973 apportionment cases of *Gaffney v. Cummings* and *White v. Register*. In *Gaffney*, the Court held that evidence of a 7.89% maximum variation among the districts did not even make out a prima facie case of invidious discrimination. This means that a state will not be called upon to justify a plan that has approximately 8% maximum deviation where this fact alone is alleged. The *White* case held, among other things, that a 9.9% maximum variation among districts likewise does not satisfy the threshold requirement of proving a prima facie case of invidious discrimination. Also, the *White* case reiterates that multimember districts are not per se unconstitutional"— and I will repeat for the benefit of the Majority Floor Leader, that the *White* case reiterates that multimember districts are not per se unconstitutional — "when used in combination with single-member districts in others parts of the state.

"If there can be said to be any magic numbers regarding the constitutionality of an apportionment plan, those numbers would have to be roughly 10% and 16%. A discrepancy of less than 10% between the most and least populous dis-

tricts is unchallengeable; a discrepancy of less than 16% (but greater than 10%) is challengeable in the courts on that account alone, but may be justified by the state where the reason for the discrepancy is to preserve integrity of political subdivision lines.

"Zero deviation should still be the target for an adopted plan. If the Commission must for whatever reason choose a plan which is out of line with the mathematical exactness which should exist when the population of one district is compared to any other district, a justifiable reason must be given to explain the deviation. The task of justifying deviations after the plan has been voted into effect should not be left to the Attorney General. Reasons dreamed up after the fact by the attorney trying to justify the plan or by the Legislature are not acceptable to the courts.

"Essentially the Court is saying that it has examined the proposed plan of apportionment," — which appeared in L. D. 984 during the last regular session — "that it accepts the House Apportionment Commission's conclusion that it came as close to substantial equality among districts as was possible under apportionment provisions spelled out in the Maine Constitution, that it recognizes the *Mahan v. Howell* decision of the U.S. Supreme Court allows as one rational state policy a preservation of the integrity of political subdivision lines, justifying some degree of inequality, that it notes the maximum percentage variation from the ideal district of L. D. 984 is 94.02% and that it is the conclusion of the Court that L. D. 984 is unconstitutional because it does not come close (goes far beyond) to constitutionally tolerable limits of deviation as discussed.

"Most important for the new House Apportionment Commission is the Court's choice of qualifying language in five of the seven Answers: (the subject provision of the Maine Constitution) may become constitutionally infirm by an application in a particular instance which produces deviations from 'substantial equality' beyond the range of constitutional tolerance indicated in *Mahan v. Howell*, supra. In other words, while none of the Maine methods required for apportioning house districts

by its (State) Constitution fails to meet U.S. Constitution, equal protection clause substantial equality standards in the abstract; any might, upon implementation, cost the State an unsuccessful battle in the federal courts which could result in the need to reapportion yet another time for the 1970's. (This last item is not the Court's, it is my own assessment of what a constitutionally infirm apportionment would mean for Maine.) If avoidance of litigation is a criterion, a zero-deviation plan should be the target to shoot for." That is what we tried to do.

I want to reiterate one point that the gentleman from Bangor made. Throughout the four or six months that we met, we operated under a basis of give and take on a bipartisan nature, both of us appearing partisan at various times, depending on what area we were discussing. The final analysis, agreeing to the final conclusions, signed by the ten partisan members of five Democrats on one side and the five Republicans on the other and an independent chairman.

This amendment that you have before us conceived and referred to by me as the Alex Rey Midnight Special appears to be nothing more than an attempt to politically divide the State of Maine. Three counties are substantially changed, Sagadahoc, York, and Androscoggin, beyond the city boundaries to destroy a bipartisan plan and attempt to politically gerrymander on the basis that if you divide one city you must apportion the rest of the county. That is a lie. That is not the case. That is politics, politics at its worst, and it is called by most people gerrymandering. That is the amendment that you have before you. That is not the bipartisan approach to solving apportionment problems, and it ought not to be accepted by this body in the final analysis.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the amendment, I take quite exception to the fact that I might be considered a liar by the minority floor leader. Because I think that if he wants to talk about the Alex Rey Midnight Special, he ought to consider a fellow by

the name of Tony Buxton, who I think as just about as politically astute as Alex, who, I might say, did most of his work in the Republican Headquarters across the street, maybe because he wanted to keep an eye on him. Well, I think if you talk to Mr. Buxton, or if the minority floor leader wants to be objective in his views, if he knows that if we were to really seriously consider a single-member district plan, that the cities must be divided and that we will in fact have to see some of the county figures of some of the other county portions of the commission plan.

I would ask the gentleman from Eagle Lake, as I would the gentleman from Bangor, Mr. Murray, if they would say that this floor must accept all committee reports and not have the opportunity to amend them as we see fit? Is there such a thing that a commission is so astute to the point that they can come in here and please 151 members of this body or 33 members of the other body, and last but not least, an Executive with a veto power? I believe all of us have the opportunity and should have the opportunity to present on this floor an amendment to this report, just as well as we would submit an amendment to any other bill before us.

We are talking about reasonable men. Is it reasonable to deny people the right to have a representative to represent their particular area; or is it more reasonable to have people at large like we have in Portland where we have 10 people representing some 70,000 people? Isn't this disenfranchisement? And I don't care whether you are Republicans or whether you are Democrats, there are a good many Democrats in this state who feel that they are being disenfranchised because certain areas of the city have more representation located there than they do where they might be. I believe this is one of the reasons why we are looking for single-member districts.

I also will have to stand here and admit, sure, Republicans would like to have single-member districts. We feel as though we would like to have an opportunity to put a candidate in and win a few of those seats, too. I would also remind the members of this House that before you you have your report, and in your re-

port you also have the decision that was just read by the minority floor leader. And I would also advise you that this was the opinion and the advice of counsel from the Attorney General's office, and I commend the commission for following that particular advice.

But I would also tell the people of this body that we have a Constitution in the State of Maine. And that Constitution places in the hands of this Legislature the responsibility to apportion itself; and if we fail to do so it shall go to the courts. It explicitly states right in the Constitution, if you want to pick up your little book, on page 8 it says: Cities and Towns entitled to two or more representatives — and it says entitled to two or more representatives — under the foregoing procedure may by affirmative vote of two thirds of both houses of the legislature be organized into single-member districts, whereby each legally qualified elector therein is entitled to vote for only one representative, provided that all such cities and towns are so organized. Now, to me that gives us the prerogative to do what we want, and that is just exactly what we are attempting to do here today.

We are trying to keep people from being disenfranchised, and we are trying to tell people that we want the one man, one vote principle in the State of Maine. And that is just exactly what this amendment calls for.

I would also remind the gentleman from Bangor, Mr. Murray, who quoted from the commission report, that there is also a paragraph in there at the end of it that reads something like this:

"Since the issue of changing multi-member districts to single-member arose during our deliberations, an explanation of the Commission's thinking is in order. The Constitution states that cities and towns entitled to two or more Representatives. . . may, by affirmative vote of two-thirds of both Houses of the Legislature, be organized into single-member districts. . . provided that all such cities and towns are so organized. "Since the issue was a partisan one" — and I remind him of that — incapable of being agreed upon by an evenly divided Commission with its neutral chairwoman, the matter of single-member districting was left to

legislative decision." And I think that is just exactly where we are right now. It seems to me that there is a signature on there, Representative Frank Murray.

The statement of reservations on the very next page contains a report relative to this very same thing, that reads:

"The undersigned concur with some exceptions in the districting plan created by this Commission. It is recognized that a conscientious attempt to create generally compact, contiguous districts of equal population has been made.

"However, our primary reservation concerns the use of multi-member districts. We believe that single-member districts are the fairest and most representative method of districting in that legislators' responsiveness and voter equality are enhanced by single member districts. Testimony presented to the Commission also indicated that some areas of some municipalities are now unrepresented by any resident of those areas.

"The Commission attempted as much as possible to conform to the Constitution of the State of Maine, deviating where necessary to conform to the equal population requirements of the Constitution of the United States. Although the Maine Constitution permits multimember districts, it also permits the creation of single-member districts by affirmative vote of two-thirds of both Houses of the Legislature. Therefore it is our position that single member districts are consistent with the Maine Constitution and that this alternative approach, as contrasted with the Commission plan, is preferable. The Commission did not consider such an alternative.

"Therefore, we recommend that the Legislature consider passage of a districting plan for the Maine House of Representatives which embodies single-member districts." And it was signed by the following members: Sen. Elden H. Shute, Jr.; Rep. Walter A. Birt; Rep. Herschel L. Good; Rep. Joyce E. Lewis; Prof. Douglas Hodgkins;

Ladies and Gentlemen, we have before you right now an amendment that does just that. It is our feelings for out single-member district plan. I urge you to vote against indefinite postponement.

The SPEAKER: The Chair recognizes

the gentleman from Portland, Mr. O'Brien.

Mr. O'BRIEN: Mr. Speaker, Members of the House: I would like to address myself to the commission report, and I ask you to take a few moments to take it off your desks and read it if you would please, and open it to page 7. This is a bipartisan commission that was formed that worked, as Mr. Murray from Bangor said, sometimes long into the night, and I never enjoyed coming down here in the middle of the summertime and working long into the night. But at the very outset of the commission, we laid down the ground rules as to why and how we shall attempt to reapportion the House of Representatives. As Mr. Simpson said, that is our duty.

We agreed to the six basic rules, and we also agreed we would list them in the order of their priority. We first agreed that the federal census figures should be applied uniformly in determining population. I think that is self-explanatory, it should not take any great debate on that particular issue.

The second rule that we agreed to, again in order of priority, was that we should apply the state base unit of 6,581 directly within the county or combination of counties, trying to avoid crossing municipal and county lines as much as possible.

Third, in order to preserve boundary lines as much as possible, district population may vary no more than 5 per cent above or below. Now, in most cases our variations ranged in the 2 and 3 per cent, although the courts would accept up as high as 10 percent. Districts should be comprised of contiguous municipalities and unorganized territories should be as geographically compact as possible. This was to prevent gerrymandering and roaming all over the district just to pick up individual seats for either party.

Five was that present districts would fall within the permissible population range should remain intact if possible. And six was consideration should be given to all political and administrative subdivision lines wherever needed.

I would like to add my comments to that, to say that I did most of my work in the committee hearing room, not across

the street or down State Street, but in the committee hearing room, and the Constitution was constantly before us. Now, the Constitution says, yes, it is our responsibility to reapportion ourselves, not the responsibility, as Mr. Simpson points out, of bringing in purely a Republican plan. I agree, it is his right to present this amendment, but I have to object to saying that that responsibility lies only within the Republican Party.

This was a non-partisan commission that worked long and hard for five months, and I urge the members of this body to support Mr. Murray in his motion to indefinitely postpone House Amendment "B".

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: The commission report, although it does contain reservations, was signed by four members all of one political party. It does not contain any reservations by the neutral and, I understand, independent chairman, who we selected, if you will, as the swing vote on the commission through the League of Women Voters and because of a non-partisan reputation.

The bill before us, L. D. 2351, is sponsored by Mrs. Lewis from Auburn, who is a member, as you know, of the Republican Party. The commission plan, as has been cited, involves approximately six months of work by a bipartisan commission under a neutral League of Women Voters chairman. The commission plan has passed the scrutiny of six months in the bipartisan crucible, which can bring out defects, and apparently there was agreement that the plan follow the six announced criteria that Representative O'Brien from Portland has referred to.

On the other side, we have, and I agree with the characterization of the gentleman from Standish, Mr. Simpson, the Alex Rey Midnight Special. The Democratic Party first became aware of the existence of this plan yesterday morning, and perhaps at nine o'clock. We had one copy of it at that time. We had 60 or 70 members trying to look at the one copy. We have not had, and I question whether the Republican mem-

bers of this House have had an adequate opportunity to study in detail that second plan.

The sources have been recited that the Midnight Special is purely partisan; contrast that with the bipartisan commission report. There are no announced standards of criteria behind the Alex Rey Midnight Special which is offered as an amendment to the pending bill. We do not know what standards were employed, and we do not know what order of priority there were between the various standards. Contrast that with the unanimous bipartisan commission report which on page 6 sets forth the six criteria in order of priority that were employed by the bipartisan commission.

It would also be less than candid if we did not say that the amendment which is before us now to a bipartisan bill was proposed initially in the context of a political deal, something not at all involving its merits or lack of them, but out of a willingness to shepherd it through the House without close scrutiny.

In regard to the portion of the amendment of the Midnight Special that I have been able to check, in particular as it relates to York, Cumberland and Sagadahoc and Androscoggin counties. The Amendment does much more than merely take the multi-member municipalities and divide them into single-member districts. It also makes other significant changes, and I believe that has possessed many errors. Because as I understand it, it was only worked out over the last week, and again it hasn't had this advantage of being tested by people on both sides of the aisle.

Ladies and gentlemen of the House, it is perhaps regrettable but maybe inevitable that we are unwilling as a body or unable, I should say, rather than unwilling, to reapportion ourselves.

I think all of us, regardless of our party or irregardless of our position on single-member or multi-member have pride in this House and wish that we could do our own business here and we did not have to look elsewhere to take care of the business.

Perhaps we can take consolation that the history of legislative reapportionment, at least in legislative bodies that

are not swung wholly to one side or the other, is that reapportionment is a difficult, almost impossible task. Indeed, you recall the United States Supreme Court case of **Baker v Carr** which started reapportionment ball rolling, the one man one vote idea going, was the pride in the case of the Tennessee Legislature that had not been reapportioned since about 1910, and that case I believe was handed down in the late fifties or early sixties.

We can also look at the federal scene. The United States Senate does not have the problem of reapportionment because of course both Senators serve at large from a state. The United States House of Representatives is reapportioned in effect by state legislatures rather than by itself.

I even understand that the British Parliament, the mother of the legislative bodies throughout the world, is not able to apportion itself and it has a bipartisan or a nonpartisan commission do it.

But in Maine under our Constitution as it stands now, we too have a nonpartisan body, someone that won't rely on a Midnight Special from either side. To look at the various plans, including certainly the commission plan and including perhaps, if it is included in the legislative record, this amendment that has just been offered. I have confidence in the integrity and the nonpartisan nature of our courts. I am certain, and I think most of you are certain that the court will face up squarely to the issue, will look at the various plans propounded, including the midnight special and bipartisan plan. And I think if we all will be honest about it, we know what is likely to be the result. The result we can't say is going to be the bipartisan plan or any particular plan, but I very seriously doubt whether our court will adopt the Midnight Special that came out of one party with no check on the other party and was devised in a very short period of time.

In order, Mr. Speaker, to set the record straight regarding the support of single-member districts, which is an entirely red herring in regard to the reapportionment in front of us, I would remind the members of this House of the question of multi-member districts or single-member districts was debated extensively and voted on a number of times at the regular session. At the time of the

votes for the general reform package which included the single-member districts, a majority of the Democratic Party and a higher majority of the Democratic Party supported that concept than in the other party. Yet there was not two thirds available. We have failed at our task perhaps inevitably, but fortunately we were wise enough when the Constitution was last amended to put a body in there that is nonpartisan to decide it. I think we all do have and will have confidence in our supreme judicial court.

And if you are ever tempted to think that the Maine Supreme Judicial Court will not be fair and bipartisan, then remember the partisan criticism of that court when we had the last Senate reapportionment. I don't have to tell you what party was involved, you will recall. But there are allegations that a particular party, the Democratic Party really got a break out of the law court in terms of the reapportionment. Gentlemen, 23 to 10, some break. We have got six fair, nonpartisan judges there and they will do a decent job, and I predict they will give the Midnight Special the quick burial it deserves.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think that our position has been well stated by the majority floor leader, my seatmate, the Representative from Standish, Mr. Simpson.

I think that there are some things that should be squared away on the remarks of the gentleman from Brunswick, Mr. McTeague. Primarily, as he was not involved in much of the work that was done, I think due to that he made quite a few misstatements that indicates a complete lack of knowledge of part or the whole approach and development of this plan.

In the first place, he has commented several times about the position possibly of the chairman and how the chairman was arrived at. The chairman was selected by two people, one from the Republican Party and one from the Democratic Party. I think they probably got as nonpartisan a person as they could find in the state, and this little lady

put a great deal of time in; she did an excellent job.

When it came to the final report that was read, it was signed by the five Republican members, she indicated that this was a purely political position, no matter which way she went, so she neither assented nor dissented to this report. She felt that this should be left to the political people on the commission of which there were five from each party.

A good deal has been said about this Midnight Special. I think it is only fair because I was in and out of Republican headquarters a good deal during the time this summer the work was being done on this primarily to laying out the numeration districts. I think that what happened is we had a good room downstairs where a good many maps could be spread out. Now this was a Midnight Special developed. I think that probably the staff member from the Democrat Party spent a good deal of time over there in fact, he spent all it was worth.

He was well aware what was going on, the fact that there was being a single-member district plan developed, developed at the request of some of the Republican members, primarily in the leadership, others assented to this. He knew that this was going on all the time. I fail to understand why the members of the Democratic Party didn't take any effort to develop a plan of this.

I would read from the message of the Governor of the State of Maine. It was made before this body about two weeks ago, in which he said:

"In recent years, the Legislature has made great progress in reorganizing the Executive Branch of State government. It would be a great credit to the 106th Legislature and of great benefit to the people of Maine if reform of the Legislative Branch could also be enacted. For this reason, I will again support legislation to provide for annual legislative sessions, to establish single-member districts in the Maine House of Representatives," and then he goes on to abolish the Executive Council.

If the Governor so completely supports and endorses this, as the indication in this message, and I am going to accept this at face value that he does accept the concept of single member districts, I

guess I fail to understand why since this came out or during the time of the development of this message that there wasn't a single-member district plan developed by the members of the Democratic Party.

Now, I think the only other thing that I might want to add was this discussion about some of the people who did appear before the commission. I think I would add, and I am reading from the minutes of the commission. Mr. Joseph McGuckian of Lewiston, asked to be recognized at which time he pleaded for single-member districts in Lewiston. He stated that Lewiston has a very unrepresented situation. He pointed out that their six representatives come from three wards which represent only 28 percent of the Lewiston population. He asked that this be given serious consideration.

I would point out that Mr. McGuckian is a member of the Democratic Party, he is enrolled in the Democratic Party in the City of Lewiston. He feels very strongly on this, he feels so strongly that he is even willing to test it further if the need arises to provide that there will be equal representation within the various areas of the city of Lewiston. He has no position as far as parties are concerned in this, but he does feel that much of the city of Lewiston is underrepresented. Now, this is no reflection on the Representatives from Lewiston, but he did indicate that areawise there is not representation.

We do find in looking over the City of Portland that it appears that probably five of the Representatives from the City of Portland are all clustered together in one very tight area, in I believe Ward 5. They also have some of the other things that we feel are wrong. It leaves a very long cumbersome ballot in the City of Portland in which you have 22 names at the present time, right straight on the list, right straight down, and the voters have to go down and pick out the individual names that they want for representation. It is quite hard to conceive that the voters know who they are voting for and after the Representatives are elected many cases do they want representation up here, it is undoubtedly that many of them don't even know who they have for representation.

I think we are trying to present the position right today that single-member districts is the only fair position, it is the only fair method of representation. Political scientists throughout the country have indicated that single-member districts are the only fair and sound way.

I think this is the only basis of the concept of the amendment. I think we are perfectly on fair grounds to present this amendment for consideration before this legislature, and I hope you will support it.

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would like to ask Mr. Birt or Mr. Simpson — Mr. Birt now that Mr. Simpson has left the hall.

If there was such a plan being devised in Republican Headquarters for single-member district, and since I was a member of that commission, why was not that plan presented before the commission for consideration?

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have said very often that everything comes to he who waits. When the last session of the legislature started, a great many of our people within our party indicated they favored single-member districts.

Having been here for a few semesters, I tried to explain to some of them collectively and some of them individually just exactly what the pattern indicated at various times within the confines of the halls of the Maine Legislature or any legislature for that matter, and that is that majority prevails. That is that the party in the majority is not going to give anything away that would be harmful to them.

The gentleman from Standish, Mr. Simpson, makes remarks to the effect, and I quote him, "What we offer the Democrats would have given the State Legislature reapportionment and reform," said Simpson, "they would have

both passed and gone to the Governor's desk side by side. "It is a two way street," the Majority leader said. "We want something in return." It is very obvious that in the fine town of Standish there are no one way streets.

Now this is not what I call a Midnight Special; this is perfectly all right with me. This is a Republican version and this positively and absolutely proves that the diehards within my own party who have fought me so long, I told them what to really expect from the majority party, and I don't blame the majority party, because believe you me if this thing here indicated that I was in a majority, you would get something like this only possibly ten times worse. I don't cry in my beer. It is perfectly all right with me. I was told here the first year I was here, I was called in by the Speaker, Clerk of the House after I had made somewhat of a vitriolic attack, and gentlemen, I am speaking to you this is the Honorable Harvey R. Pease, because I liked him. I want you to remember one thing; those are the days we got six hundred bananas per session in one check. I got \$4.00 to go back and forth per year. Harvey said, "We are giving you a check to travel, one per cent. We are giving you \$600. We are giving you a warm seat in a warm room. Keep your mouth shut." I grew up a little bit; I opened up my mouth a little bit more. But as I grow older, and I think some of you will probably bear with me, that my mouth has been somewhat shut at this session here.

This monstrosity here even throws the Maine Central Railroad in on more than one occasion. It even throws the tracks in; the Maine Central Railroad tracks, throws Sabattus into Lewiston, too. That's another thing. I am not going to ask what that might have done for me.

But what this here is, it is just a report. The gentleman from Standish, Mr. Simpson, makes the remark that nothing is sacred, that we could — I am probably not using the very words he used — but in that sense he is right. You know, here is the report, so sacred that it can't be amended. This is not a report. This is a new draft. Now he mentions the 70 miles, the 10 Representatives for 70,000 people in Portland. What about one Representative representing 17 towns covering 50

to 60 miles? How can he get to those people? Let him stand up and tell me that he gets to those people. And let me ask any of you, do I get to my people? And I will get to them whether their ballot is absentee pink, yellow, green or white, because I love them, and I represent them. And I am not going to represent them with this.

As far as I am concerned, I am not talking about the courts, I don't know anything about what the court is going to do when they get the bill. There has been a lot of comment made to me privately that we did agree a few years ago and we did reapportion. And there was our floor leader and our assistant floor leader started to manipulate. I heard about the situation, so I decided it is about time to kiss myself in. So I dealt myself into the hand, wound up with a vocational school. That was all right with me. But we did all right. And with this thing here we do pretty well. This thing here, we do very badly. And this thing here would keep you right here. This would keep you permanently in 228. I'm for this.

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

Mr. SILVERMAN: Mr. Speaker and Members of the House: After listening to the Representative from Lewiston speak, he clearly tells me why I should be for single-member districts. Whether I be a Democrat or a Republican, we have two things going when you go before the appropriations table, the cities versus the countryside. Yes, the countryside does not have the chance that the cities have because of their multi-member districts. And this is important, whether you be a Democrat or a Republican.

When you talk of a vocational school in Lewiston or a vocational school in Calais where does the strength lie, from your rural vote or from your urban vote?

At this time, and the minority floor leader said a great thing, it will hit the press tomorrow — the Midnight Special. If you believe, and these are your words in equality, discrimination, all the bleeding-heart terms which do lead to some significant result — if you believe in this that rural areas can have the same opportunity as urban areas by one man-one

vote, which is the Constitution of the United States today, if you believe in this — maybe you don't like this just given us by the majority floor leader, present a plan of your own, but put on this bill today single-member districts. Let the one man-one vote rule in Maine that all people in Maine have the opportunity to be represented equally. This is important to me. And I hope you go today and get on that midnight train and vote for this bill and in turn maybe we will have one man-one vote in all areas of Maine, an opportunity for equality, if you believe in it.

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: First, I would like very much to thank Alex Rey and his magic compass for giving me the safest seat I could possibly get under any plan. I will represent the Maine Central Railroad tracks. I am not sure if I can vote the train engineer if the train comes through on election day yet or not, but I will have to check it out. I will be representing the Carleton Bridge. I don't know whether the drawbridge tender is a Republican or a Democrat, or whether he can vote when the drawbridge is up. But I will check that out. But I have always believed, as you well know, that single-member districts provide for the best possible representation. And I think that my voting record will reflect this. But this is the most blatant, irresponsible, partisan piece of gerrymandering I have ever seen. I may be a liberal when it comes to legislative reform, but Ladies and Gentlemen, I am not stupid.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: To the gentleman from Washington County, equality is in the eyes of the beholder. And I am sure if he takes his Legislative Record and I take mine, that equality will be defined in different terms on different issues. When we take a look at what Washington County has gotten, whether we be rural or city, you will find that Washington County has done very

well. I am sure that his vocational school in that particular area represents that pretty closely. And for many people, since I have been here, all I keep talking or hearing about, is how people from Aroostook take everything back to Aroostook but the Capitol dome. And I have yet to see that in Aroostook. And I assume someday I may see it if I wait long enough.

There is no such thing in this legislature as rural versus city. And for that I am proud that we have not gotten ourselves involved in that type of a situation.

I think the gentleman from Standish, Mr. Simpson, referred to a reasonable plan, and must reiterate again, for his sake maybe, and for the sake of others, that the Democratic members of this commission never once saw this nor were we informed that one was going to be presented. My staff assistant did not work with Alex Rey in figuring out the city districts. He did work in Republican Headquarters throughout the course of it, arriving at definitions of the ED's, etc. But I can assure you that had nothing to do with this particular issue.

The point that bothers me is that this amendment goes far beyond the issue of single-member districts. And you will hear it said that this is simply to solve the problems of the city. How sweet it is. See what happened to Androscoggin towns outside of Lewiston and Auburn. How sweet that certain Democratic towns are sort of lopped off so they don't get a Representative anymore that actually represents their views. The same thing happens in York County. Interesting that you have to redistribute almost the entire remainder of York County to solve the problems of Biddeford. That isn't apportionment, to decide bipartisan seats in the House of Representatives; it is pure and simple gerrymandering worked out by one political party, and I shouldn't even say party; I should say by a couple of political individuals.

Now, let's not kid ourselves. We may make nice statements for the press, and the press may even believe us, but among ourselves we ought to at least know the truth as to what it was, what it is and what it is intended to be. Let's not forget that the reason the Constitution is

written the way it is was based upon a political decision in 1963. I was not here, but some of you were here then when then Republican Governor, John H. Reed, then Republican Speaker of the Maine House, David Kennedy, agreed to this provision in the Maine Constitution. They had the votes. They supplied it. They wrote it in the Constitution. So let's not kid ourselvss about politics. That's the way it was.

Now the gentleman from Bath is going to speak as a member of that legislature. And I don't know which way he voted when he was a member in 1963. But I am sure he participated because he usually participates in the major decisions that face the Legislature. That was politics. Some of you may now say, "How unfortunate that was." How unfortunate this amendment is today.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct a couple of statements. I want to make sure that I left no inference that the Democratic staff member was in any way involved in this. I have every respect for Tony Buxton. I did not in any way leave that inference. But I am certainly aware that he knew that a single-member district plan was being drawn up, because the work was being done, a good deal of it, in the same room that he was doing some of the staff work that he was doing. When any indication is given on this floor that they were not aware that a single-member district plan was in the works, I can't agree that that is true.

Now there have been some comments about gerrymandering. I guess probably I may have to make a couple of comments about this report that came out from the commission. I signed the commission unanimous report, or I went along with the unanimous report, as I felt it was the best plan that could come out. And I know some of the other members in my own party were not completely in agreement with it. But it was the best plan that we could come up with. But I would point out, and I make this without any equivocation, that there was one county in this whole report that was horribly gerrymandered, and that was

Androscoggin County. It was badly gerrymandered. They took the Town of Lisbon, a single town that was capable of going on its own and they split it right square in the middle for nothing but pure political purposes. This was done. This is the one area in that whole report that I most object to because of the way it was done. I think you will find that the minutes of the meeting show that I voted against it.

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

Mr. ROSS: Mr. Speaker and Members of the House: To assure the opposition a better chance this morning, before some of my friends in the other party decide it is time for lunch, when the vote is taken I request it be taken by the yeas and nays.

Mr. Norris of Brewer 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 previous question will vote yes; those opposed will vote no.

A sufficient number having voted in the affirmative, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now. This question is debatable for no more than five minutes by any one member.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't very often get up on my feet in this House to speak, and it so happens that at this particular time I would like to have an opportunity to speak on this amendment. I am surprised that my good friend from Brewer has moved the question. I would hope that you would defeat the motion and allow me the opportunity to have my say on this piece of legislation.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I didn't really want to shut anyone off, but I don't think that the redundant rhetoric that was taking place was going to change one vote, not one vote on the

floor of this House, not as far as this amendment is concerned or as far as the main question is concerned. So I would hope that with the storm outside and hearings coming in a very few minutes, that we would be able to do away with this, because we all know what the outcome is going to be, so let's vote and get it over with.

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

Mr. JALBERT: Mr. Speaker and Members of the House: On the very first day that I attended—I could not attend the first day for the first time since I have been here—on the very first day I moved the previous question on something that was completely unimportant. The hearings, we are legally in session; hearings are courtesies. I think the gentleman from Brewer, Mr. Norris, knows that.

I might even have a little something else that I might want to add after the gentleman from Calais, Mr. Silverman's, remarks. In any event, this, in my opinion, is very very important. I think our stomachs can wait. I think we have spent 15 minutes a day at \$15,000 since we have been here, and I think this should be thoroughly debated. I may even again move the previous question and probably get knocked down. But I might suggest to my very dear friend, and I mean that sincerely, Mr. Norris from Brewer, that this is too important a question to have the question moved.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I am like a lot of them. I am hungry, but I am willing to listen to anyone who has any suggestions in regard to this famous Midnight Special. I do know that there are some people who are going to be injured by the way that has been cut up, and I think they should have the right to express themselves. I disagree entirely with the Representative from Brewer calling for the question.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: The gentleman from Winslow, Mr. Carter, doesn't speak very frequently here in this House, but

when he does he usually has something worth listening to.

I hope you will reconsider shutting off debate.

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, and a sufficient number not having voted for the main question, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Members of the House: I rise in opposition to this so-called Midnight Special for two basic reasons. Number one, it has been stated very well by previous speakers of the manner it was handled and introduced. But I mainly object to it because the amendment carries gross, gross errors in it.

True, some attempt has been made to correct it, but they are far from hitting the point on target.

If you will care to pick up the amendment and look on page 9, in the middle of the page they refer to one road as the South Albion Road. To those of you who are familiar with the area, there is no such road in Winslow. Then they go on to mention the Lambs Corner Road. That road also does not exist in Winslow. And all through the description they are way off base. They refer to, for example, further on down in the paragraph, to the Benton Road and Benton Avenue as though they were one. They are not one and the same. There is only one Benton Avenue, and it is located on the northwest side of the community and not into the center of the community as it is described here in this paragraph.

As some of you probably have noticed, I have had an amendment drawn up and it is House Amendment "D". House Amendment "D" has the correct description of enumerated district number 10, which is the one that is involved in this particular area. The reason that I wanted to get up and say this is because I want to make sure this is in the records.

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

Mr. CAREY: Mr. Speaker and Mem-

bers of the House: I don't know who put this thing together, but obviously they belong on the other side of the river.

Every ward in the City of Waterville, the ward boundaries have been violated. I listened to Mr. Birt from East Millinocket a little while ago telling us, for instance, that we were going to try to avoid in every instance that it was possible in the multi-town districts the cutting of town lines. If you are going to get into the cities, you should also try to do that in the municipality by trying to avoid the cutting of ward boundaries. There is no reason in the world to believe that because of the amendment all of the Representatives in Waterville, for instance, couldn't come from Ward 3. There is no reason to believe that in that same area, because of the districting through this amendment, that all of the Representatives couldn't come from Ward 1. So you may have multi-member districts right now that may have people coming from one section of the town or the other, but you would also have it under this amendment that is being offered.

If you are really serious about getting involved with single-member districts, I would seriously urge that you consider going into — there are not that many of them — going into the individual multi-member towns — multi-member cities, setting up bipartisan committees within those. I don't care if they are the Republican city chairman and a Democratic city chairman and the Representatives who are they today, because quite conveniently, I live only 20 miles up the road so I get home nights. Realizing this was coming up I brought some maps of the City of Waterville down and I colored them in today. I want to thank you for keeping me in a district, even though you had to go around the block to get me into a district.

Mr. Ferris would be safe in his particular district. Mr. Genest, when we finally found his district, it was somewhere in part of Winslow, is also safe in his district. So the three people who are here today representing Waterville could, in fact, if the people want them back be re-elected in a single-member district.

But I would certainly hope that if you

are serious about districting, you go to the individual cities and set up these commissions and see what you can do. You have created for the City of Waterville four new voting precincts. It is not a question of voting by colored ballots in our area; we vote on voting machines. That is great for the absentee ballots, but you certainly are not going to be able to do it on voting machines.

So we have got quite a quandry. We have got one ward that has one public building in it which is currently the voting place for Ward 7. In the middle district that you have set up, you have lumped together the voting district for Wards 4, 5, 3, 6 and 2, and that is quite a feat by itself. But I would strongly suggest that you take this recommendation to heart.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: We are speaking of numbers. It seems as though we all have a number today. Often this information is, I feel, as reapportionment should be. It is not practical or possible to have a compatible legislator to constituents if you have a district that runs too long in distance, taking in a southern district of a county and a central district or even a northern district. It seems to me that if the courts decide on this issue, or if we somehow decide on it, that we should be representing an area that reflects the social and economic wants of that particular area.

For my part, rather than numbers, we should emphasize the fact that these are areas where we can best serve and the places that we have known for most of our lives, and his should be certainly a strong concern in making up this apportionment, whether it is done here or by the courts. This has been indicated by most everybody that has spoken, whether they be from a large city, multi-member districts, and certainly applies to a lot of the small towns that have several in their district.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I wish to compliment the special commission on reap-

portionment, and even Mr. Simpson, too, on his effort, because anybody that is trying to reapportion is up against a great job.

I haven't spoken very much, and I don't like to speak. I am getting so I don't like to, but I happened to serve on the 1963 Special Reapportionment Commission, and of course at that time we finally did get it through by compromise. But, the track record of legislatures reapportioning themselves is very poor, and I have a deep feeling in my own little heart right now that this is going to go to the court. I voted for the previous question because I don't think that we are going to reapportion ourselves between now and midnight tonight. I regret it, but I am not against single-member districts of a certain kind in Portland. Portland has six good wards. I always thought that we could have one Representative from each ward, and perhaps have four at large.

I am not trying to get into this legislature by a tide in Portland, and I think something in time, even by the courts, could be worked out. As was suggested, I think before you even think of districting in a city that the city should be in on the ball game.

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 Bangor, Mr. Murray, that House Amendment "B" (H-632) be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carrier, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Deshaies, Drigotas, Dudley, Dunleavy, Farley, Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jacques, Jalbert,

Kelleher, Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Smith, D. M.; Smith, S.; Talbot, Theriault, Twitchell, Webber, Wheeler, Whitzell.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Chick, Churchill, Cressley, Crutis, T. S., Jr.; Davis, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Kauffman, Kelley, Kelley, R. P.; Knight, Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McMahon, McNally, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E., The Speaker.

ABSENT — Dam, Dow, Jackson, LaCharite, Lewis, E.; McKernan, Peterson, Tanguay, Tierney.

Yes, 68; No, 74; Absent, 9.

The SPEAKER: Sixty-eight having voted in the affirmative and seventy-four in the negative, with nine being absent, the motion to indefinitely postpone House Amendment "B" does not prevail.

Thereupon, House Amendment "B" was adopted.

Mr. Carter of Winslow offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-638) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I spoke briefly a short while ago about the gross errors that exist in the Town of Winslow, and I would like to go on a little bit further.

First of all, it took me quite a bit of research to finally get to the census track that was used by the commission in dividing up Winslow to be put in with the City of Waterville. I questioned the

validity of the figures that they used for the population of 900 people. We have had a running battle with the powers that be in Washington over the census that was taken in Winslow in 1970.

As you know, the census was conducted by mail in Kennebec County, and in the town of Winslow we don't have a post office, and most of our people that live in the outside areas the rural areas are on RFD's, and we have both RFD's Waterville and RFD's Vasselboro. We are convinced in the community of Winslow that is where our voters went; they were credited as residing in other communities instead of in Winslow. Therefore, I seriously question the validity of the figure of 900 people.

Secondly, in checking through the census track that we obtained from the State Planning Office, I found no dividing line between enumerated district No. 10 and enumerated district No. 11. It seems as though there was just an arbitrary line drawn right between the two districts, and that probably explains the reason why the description is so wrong, and quotes roads that don't exist in the community.

Now, my amendment corrects or attempts to correct this inequity as best I can because I really don't know where the boundary exists between enumerated district 10 or enumerated district No. 11. But it does make an attempt to correct it.

I know that I may not get very far with this, but I would hope that you would support this amendment and allow the citizens of Winslow to have fair treatment.

Another point that I would like to bring out is the fact that has been mentioned here this morning in this lengthy debate that communities should not be split up or joined with other communities unless they can be made or proven that it is on a continuous basis. I would like to point out to you, and for those of you who know the area will agree with me I am sure, that enumerated district #10 in Winslow is mostly rural area containing of farms. Putting that district with Waterville does not make it contiguous. If you can call it contiguous, you can only do so on the basis that it is strongly Democratic in both areas, and I am sure that should not be a reason to put them together.

I would hope that you would support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carter isn't satisfied with his district, but this does affect my district, and I am not so sure that we want Winslow in our district. We haven't had a chance, I mean this was dropped on our desks this morning and I haven't had any chance to study this. So I am not in favor of it.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: When I saw the amendment I questioned the lines in the City of Bath, the lines in the County of Sagadahoc, and the number of Representatives in the County of Sagadahoc, because I would hate to have Representative Goodwin only represented by railroad tracks and bridges. So I thought of offering an amendment to straighten this out, but we can't all keep offering amendments, although they might be wise to the people living there and we must let some other group do that, it might be the courts probably. I do not think we should accept other amendments and I move the indefinite postponement of this amendment.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: In addition to the service done by the gentleman from Winslow, Mr. Carter, in trying to straighten out what appears to be a defect in the Kennebec County part of the amendment before us, I mean the principal amendment offered by the gentleman from Standish, Mr. Simpson.

I think the very candid discussion of this matter by the three gentlemen involved, including my good friend the gentleman from Bath, has brought out the fact that this amendment that we adopted before has not been carefully considered and it is full of holes and defects. If we adopt it I think we are acting irresponsibly. I think Mr. Carter is simply trying to cure one particular defect in it that he spotted due to his own alertness in the time he spent working on it. God

knows how many other similar problems are contained in here.

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

Mr. BIRT: Mr. Speaker and Members of the House: I think probably this should be cleared up. I didn't do any of the staff work on this, but I know the staff work was done by bipartisan people. Now this particular ED that is being lifted out is the ED that is transferred into Waterville to give Waterville the necessary people so that they can fall into the necessary percentage guidelines.

Both the Democratic and Republican staff members worked on this; they both reviewed it; they both agreed it was right. I am going to assume that it is right. As far as the population is concerned, ED 10, and I have the computer printout here, ED 10 has 900 people. This is the only guideline we have to go by, the federal census. As far as the location of this enumeration district, I am going to assume it is right because both the Democratic and Republican staff members reviewed it and okayed it.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would advise the gentleman from Brunswick, Mr. McTeague, that the amendment pertains to the original bill and not to the amendment we placed on the bill a few minutes ago. Therefore, if you take the ED that we have in question, you reduce the number of people per district in Waterville to some 6,064 and you increase the Winslow district and one other district involved in the district of Clinton-Benton, involved in the China and Unity Plantation to 7,500 people.

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

Mr. MARTIN: Mr. Speaker and Members of the House: I have a feeling the gentleman from Standish should have been on the reapportionment commission.

One point that the gentleman from Winslow made which is accurate, and I think this is the point that he tried to make, was that ED 10, as spelled out in the commission report is accurate to the

greatest degree. I agree with the gentleman from East Millinocket.

What transpired when the Attorney General drafted the language, he went around that and included the other ED as well. This is what the gentleman from Winslow is questioning. That is the problem. Obviously it is not going to be solved by this particular amendment, then somehow we can get it to the courts I am sure.

I will point out to the gentleman from Benton how interesting it is that when one gets hit with an amendment, all of a sudden an amendment hits your desk for the first time it kind of scares you when it involves your legislative district, and in effect this is what the amendment introduced by the gentleman from Standish, Mr. Simpson, did to all of us this morning.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that House Amendment "D" be indefinitely postponed. All in favor of that motion will vote yes; all opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 60 having voted in the negative, the motion did prevail.

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

By unanimous consent, ordered sent forthwith.

On motion of Mr. Simpson of Standish,
Recessed until five o'clock in the afternoon.

After Recess
5:00 P.M.

The House was called to order by the Speaker.

The following emergency enactor appearing on Supplement No. 1 was taken up out of order by unanimous consent:

An Act to Apportion the House of Representatives (H. P. 1844) (L. D. 2351)

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

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

Mr. MARTIN: Mr. Speaker, Ladies

and Gentlemen of the House: I do not think it is necessary for either the majority leader or myself to give you any more rhetoric.

I would simply ask for the yeas and nays and ask you to vote on final enactment.

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

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

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

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Brawn, Briggs, Cameron, Chick, Churchill, Cressey, Curtis, T. S., Jr.; Davis, Donaghy, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Finemore, Flynn, Gahagan, Hamblen, Haskell, Herrick, Huber, Hunter, Immonen, Kauffman, Kelley, Kelley, R. P.; Lewis, E.; Lewis, J.; Littlefield, MacLeod, Maddox, McCormick, McKernan, McMahan, Merrill, Morton, Murchison, Norris, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Sproul, Stillings, Strout, Trask, Trumbull, Tyndale, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bunker, Bustin, Carey, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Fecteau, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Jalbert, Kelleher, Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murray, O'Brien, Peterson, Pontbriand, Rolde, Santoro, Sheltra, Smith, D. M.;

Smith, S.; Talbot, Theriault, Twitchell, Webber, Wheeler, Whitzell.

ABSENT — Bragdon, Brown, Carrier, Conley, Dam, Dunn, Farley, Faucher, Ferris, Fraser, Garsoe, Hoffses, Jackson, Jacques, Knight, LaCharite, McNally, Najarian, Ricker, Silverman, Soulas, Susi, Tanguay, Tierney.

Yes, 64; No, 63; Absent, 24.

The SPEAKER: Sixty-four having voted in the affirmative and sixty-three in the negative, with twenty-four being absent, the Bill fails of passage to be enacted.

On motion of Mr. Martin of Eagle Lake, ordered sent forthwith to the Senate.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Simpson of Standish, Recessed until the sounding of the gong.

After Recess

6:00 P.M.

The House was called to order by the Speaker.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As most of you by now may know, the other body has failed to enact the apportionment bill. It does not even come back to us. Both bodies are now in concurrence. Both bodies have failed to enact the apportionment bill. And so I guess it is midnight tonight the Supreme Judicial Court of this State will reapportion the House of Representatives.

I must admit that I am somewhat disappointed to some degree. Throughout the course of the afternoon in discussion on the part of many members of both political parties, including members of the Republican party of both the House and the Senate, of what now ought to be done is to try to pass the Bipartisan Commission's plan.

As I understand it the leadership of this body of the Republican party felt that ought not to be done. At least some members of the Republican leadership in the other body voted and felt that it ought to be done. To them I say, and I congratulate them for having attempted to resolve the reapportionment issues in the legislative bodies. This obviously is not to occur. It is too bad in a sense that we were not given an opportunity to try to enact the Bipartisan plan without House Amendment "B", because I happen to believe, and of course we will never know now, and there will be guesses all the way through that it could have been done or would not have been done. But nobody will be sure as to whether or not this body could not have done it. I maintain that we should have tried. That is the least that we could have done.

There are many Republicans who disagreed with the bipartisan plan, and many Democrats. But on the whole both parties felt there was an honest attempt to solve the problems that we faced. And I must admit as we adjourn this evening that — at 6:05 — less than six hours away from when the Supreme Judicial Court would get it. But it is unfortunate that the leadership did not try it. Because we will never know what the final result would have been. And now the matter goes to the Court, and we will wait for them to decide the future of our legislative districts.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the Minority Floor Leader recognizes that leadership of the Majority Party of this House recognizes that this House is an entity within itself and that we stand on our own two feet. And that when we go before the body in the other house we don't always listen to the leadership in the other body. Furthermore, I would like to call to the attention of the Minority Floor Leader that as of the first day of December the Apportionment Plan from the Commission was to be placed out and was supposed to be done. I would also like to call to his attention that his staff

member was very much tied up with the public power referendum, and that he did not come on board until after the referendum was over. And I would stand here right now and state that the delay in the Commission Report could be placed right at Mr. Bustin's hand. And if he is accusing us of bringing forth a partisan plan that destroys the Commission plan or if you are — that is totally absurd. If you take a look at our plan, we have done everything within our posture not to disrupt the Commission Plan, except by imposing single-member districts over it. And in imposing single-member districts over it — we did in York County and in one case in Sagadahoc County, and also in around Lewiston change the districts around there. We did not change the districts that were already there to any great extent, and we did everything in our power not to. But we could have come in here, if we wanted to take a real gerrymandered plan, if that is what you want to consider it, and we probably could have used our muscle, yes, and we could have passed it, and we would have been in the same position we are tonight. But we are not. Therefore, we believe the plan is still intact as much as possible. It is going to the Court. This morning I heard the assistant Minority Floor Leader state that he had great faith in the Courts. I have just as much faith in the Courts. I am sure they will do a good job. And I am sure that the Commission Plan will probably be what is back before us.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker and Members of the House: A couple of points that I think the gentleman from Standish made that I do want to correct.

First of all, it was a decision made by all members of the Commission that we were going to ignore the December 1st deadline because there was no way that we could meet it. And the gentleman is aware of that. It has nothing to do with what issue we are debating at what time. It is very true that perhaps the employment of my staff assistant delayed a couple of days the final result. But let me point out that the original staff consisted of — for example, hired

by the gentleman from East Millinocket, Mr. Birt. He took a different job and went to Washington, so they had to hire someone else. That also took time. I don't think that, you know, we should not be trying to get involved in that type of hassle.

My only point tonight is this: We could have tried to enact this. We could have tried to enact the Commission plan. We could have tried to enact a bipartisan approach approved by Republicans and Democrats and Independents. But we were not given that opportunity this evening. That is what bothers me. The Commission Plan has been here. Who is to blame for being delayed one day, two days, the Commission Plan was here in sufficient time for us to vote on it. House Amendment B was not on your desk until recently. Most of you I am sure have not even read it. You don't have any idea where you even sit if you live in a multiple district as to whether or not what side of the tracks you would have to live on, or in the middle of it.

I still maintain, and I am sure the gentleman from East Millinocket will agree, that he doesn't know I don't know what this body would have done if we had had and had voted on the Commission Report, because its body was never given the opportunity to vote on the Commission Plan. And that fault lies in the hands of other people than myself. And that point has got to be made.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to leave you with this one thought: I am from a multi-member district in Portland. And they love us.

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

Mr. BIRT: Mr. Speaker, and Ladies and Gentlemen of the House: I am sure that I am sorry that any part of this came up. I do think we have delayed this tremendously. I think probably this was a major factor in the ability to even get this amendment out. We were delayed. There is absolutely no reason this plan could not have been out by the first of December. And I am sorry to have to do this, but I also will have to completely indict the person who did it. He was dragging his feet, and this is exactly what was done. This plan was finished up on the 28th day of December at 6:00 o'clock in the evening on a rush job. It wasn't as good a job as I wanted. It could have been done earlier, but there was a lot of foot dragging.

Our staff, on the man that we hired; he was hired the first day of August. He was available from that time on. And most all of the foot dragging was done entirely there. If we had had a crack at this the first of December we could have had this amendment out. But there is a lot of things said here there wasn't any need of. But there is a good deal of indictment belongs in the other corner.

On motion of Mr. Simpson of Standish,

Adjourned until nine-thirty tomorrow morning.