

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Tuesday, February 5, 1974

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

Prayer by the Rev. Thomas Duffy of Hallowell.

The journal of yesterday was read and approved.

Orders Out of Order

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

ORDERED, that David Theriault, Brad Titcomb, Nicholas Simoglou and Douglas Fowler of Auburn be appointed Honorary Pages for today.

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

Mr. Lawry of Fairfield presented the following Order and moved its passage:

ORDERED, that Paula Bailey of Clinton and Kent Somers of Fairfield be appointed Honorary Pages for today.

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

Mr. Curtis of Orono presented the following Order and moved its passage:

ORDERED, that Scott Benzie and David Harrington of Orono be appointed Honorary Pages for today.

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

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

ORDERED, that Randall H. Edwards and Scott A. Edwards of Charleston, South Carolina be appointed Honorary Pages for today.

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

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Katrina Luden, Carrie Cayford of Gardiner and Pamela Flagg of Randolph be appointed Honorary Pages for today.

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

Mr. Tyndale of Kennebunkport presented the following Order and moved its passage:

ORDERED, that Stephen Wilcox of Kennebunkport be appointed Honorary Page for today.

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

Mr. McMahon of Kennebunk presented the following Order and moved its passage:

ORDERED, that Susan Hill of Kennebunk be appointed Honorary Page for today.

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

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Committee on Taxation on Bill "An Act Including Reconditioned Machinery in Definition of New Machinery used for Manufacturing and Research Which is Exempt from Sales and Use Tax" (S. P. 735) (L. D. 2147) reporting Leave to Withdraw as covered by other legislation.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions" (H. P. 1781) (L. D. 2253) which was recommended to the Committee on Election Laws on February 1.

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

In the House: On motion of Mr. Ross of Bath, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Requiring the Provision of Certain Information to Marriage Applicants by Municipal Officials" (H. P. 1815) (L. D. 2304) which was passed to be engrossed in the House on February 1.

Came from the Senate with the Majority "Ought not to pass" Report accepted in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Strong, Mr. Dyar, moves the House recede and concur with the Senate.

The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: Having listened to the debate in the other body, I find that there was not only a lack of comprehension of this bill, but apparently a lack of having read it.

I hope you will defeat the motion to recede and concur, because I would like to ask that we insist and ask for a Committee of Conference so we will at least have the opportunity to try and explain this bill to the other body.

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

A vote of the House was taken.

Thereupon, Mr. Carrier of Westbrook requested a roll call vote.

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

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

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

Mr. CARRIER: Mr. Speaker and Members of the House: This bill came to us last Thursday, it passed in this House and was defeated in the Senate yesterday, and I just want to say a few words to you in support of the motion to recede and concur.

I wish to say to you that I assume most of you people have read the bill, and of course this is a mandatory bill. It has no limitations as to what this will do and what kind of literature they will put out. I also don't believe it will do any good for anyone to have this distributed in the compounds of city hall or the city clerk's office. I say this to you, that this information, which is apparently very hard for some of us legislators to get

right now, will be distributed if this bill goes through.

This bill here first of all makes it mandatory upon the city clerk to distribute any and all material that the Health and Welfare or Family Planning Office wants to put out. Now I can assure you that I have seen some of the distributions that they might put out, and I am extremely upset due to the fact that I don't believe that it is proper morally or otherwise to actually give this type of material to certain people. The certain people that I am concerned about are the elderly people who might at the age of 60 or 70 go in there and have such filthy distribution of material given to them or offered to them. I think that this would actually be an insult to them.

Like I say, there is no limitation as to what type of material they will be putting in. I am extremely concerned about the material that they might put in as to the location of the abortion bills that we have around this state and other states. And I am extremely concerned about the amount of money that we have paid for these abortions so far out of the taxpayers' money.

I suggest that if such material is to be given, that on the demand of the people it should be given either by the minister or the priest or the justice of the peace or whoever performs the marriage ceremony — on demand — if they want to do it. But don't, don't insult them by giving them this kind of material which is available. On the other hand, if you call the Health and Welfare Department, and I think they have the right approach right now, if certain people want to learn about family planning or they desire material, as far as that part of the situation is concerned, all they have to do is call them up there. They don't even give them the stuff over there. They refer them to clinics that they have in different parts of the state. That might be the approach to use. This is what they are using now. On the other hand, what would stop them from also later on, this concept of family planning, there is no end to it. We can think about it as an euthanasia. What would stop them from putting that kind of thing out. What would stop some of the producers of some of the material that they suggest can be used as protection against family

planning, what would stop the distributors from putting that into the city office? Is this what we want?

I can go on for quite a while on this, but I would not. I will only suggest to you, and this is not a secret, this is a pamphlet here given out by the Health and Welfare and I just got it about a half hour ago. I haven't seen anything yet that I would be extremely impressed with. But there is one here and it says, "The after effects, the side effects." I won't mention it here too much, but it says that there is not side effect, there is no loss of sexual desire or ability. Are we interested in promoting sexual desire or ability to promote here?

Therefore, I think this is a bad bill. I think it is degrading to society. If they want to have this information, it is available at the clinics. I think that most people who would be affected by this, a lot of them do attend the clinics and they have premarital family planning meetings and all that stuff. So I therefore urge you that we should not get involved in expanding this undigestible material, and I hope that you do vote yes on the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I am glad the mailman came yesterday, because I received this letter from the Auburn City Clerk. I would like to read it to you expressing his sentiments about this particular bill.

"Dear Representative Frank: I would like to express my feelings about Legislative Document 2304 in regards to Family Planning Literature. I am not opposed to having the literature available, to have accessible when asked, but I am opposed to requesting the town or city clerk in this state be directed to offer this literature. The literature could be made available to clergymen, social workers and even to sex courses in the schools. I feel if this literature is forced upon the clerks to distribute, every other organization will be asking for distribution of their material. I have already been asked to distribute soap samples, ball point pens with advertising and the like to prospective brides, which I have

refused. Sincerely, Leroy E. Linnell, City Clerk."

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

Mr. LEWIS: Mr. Speaker and Members of the House: As a member of the Health and Institutional Services Committee, I would like to remind the House that this came out of Committee, as I recall, about 8 or 9 to 3 "ought not to pass." I spoke briefly on this bill last week, and I think I stated that the part I objected to primarily was the mandatory portion of this bill. I have no objection if this information were available in any clerk's office, provided they were on a take it or leave it basis. In other words, I don't think it should be crammed down anybody's throat.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would just like to give you the observations from my own City Clerk who sent me a memo at home. The clerk would be questioned on a subject that they know nothing or very little about. Clerks would be tied up on the phone or at the counter and answering all these questions. The clerk's office would become a newsstand. Marriage license applicants would not pay any attention to literature. Eighty percent would end up in the trash can.

The bill does not state what information would be contained in literature. This is only an easy way out and not the best method to distribute literature. Also, the bill is opposed by the Clerk's Association. This would not also stop the town or city clerk from being awakened at two or three o'clock in the morning to be asked some foolish and ridiculous question. I certainly hope that we go along with the action as it was previously taken.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill for a number of simple reasons, and I would like to point them out to the members of the House this morning. First of all, I would like to refute some of the comments that were made by some of the speakers on the floor this morning.

If you look at the bill, and I wish you would please look at the bill, section 1923, refusal. Acceptance of any family planning literature may be refused by any applicant. I think that is a very important consideration — it may be refused. It is not compelled, it is not mandatory that any person take this material.

I think there is another important aspect of this particular bill that we should all be concerned with, and that is, it deals with in a rather simple fashion providing information relative to this important subject. I think one of the problems that a lot of people and a lot of young couples, myself included because I am recently married, is very simply stated, "unwanted pregnancies." There are a lot of young people and middle-aged people who are unaware of family planning services. Family planning services essentially could be provided so as to deal with this, in an educational manner, the question of unwanted pregnancy.

I think in the regular session of this 106th Legislature we dealt with a very controversial issue relative to unwanted pregnancies, and that was abortions. I think that this bill very simply provides a mechanism to help educate people relative to the problems of family planning and dealing with unwanted pregnancies.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: I would like to reemphasize that family planning is defined under Maine law, and this definition does not cover abortions.

I would also like to reply to the comments made by the gentleman from Auburn, that all sorts of material would be allowed if this bill set the precedent. The soap samples and so on I again think that if the soap companies can get bills through the legislature requiring city clerks to distribute soap samples, that is dandy, but I think the answer to it is that this is an adopted state policy, adopted in the regular session of this legislature to provide comprehensive knowledge pertinent to any voluntary self-determination of family size. This bill, I think, is an innocuous and simple way to help implement that policy.

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

Mr. DYAR: Mr. Speaker and Members of the House: Several people have asked you to refer to the bill, and I doubt if many of you have taken time. Under section 1922, family planning literature, under subsections 2 and 3, it allows the directory of public and private sources of further family planning information, and 3, brief explanations of all medically proved family planning methods. I may be a little bit forward, but I believe this would open the way if the Department of Health and Welfare did want to put out a directory of abortion mills, this would be appropriate way to do it. If this bill is passed, I am quite sure they would have this policy further established.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Strong, Mr. Dyar, that the House recede and concur with the Senate on Bill "An Act Requiring Provision of Certain Information to Marriage Applicants by Municipal Officials," House Paper 1815, L. D. 2304. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Albert, Berry, G.W.; Berube, Binnette, Bither, Bragdon, Brawn, Bunker, Carey, Carrier, Carter, Chick, Churchill, Conley, Cooney, Cote, Cressey, Dam, Davis, Deshaies, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D.F.; Evans, Farrington, Faucher, Fecteau, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Hamblen, Hobbins, Hoffses, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McMahon, McNally, Merrill, Mills, Morin, V.; Murchison, Palmer, Parks, Perkins, Pontbriand, Ricker, Shaw, Shute, Silverman, Soulas, Sproul, Strout, Tanguay, Theriault, Tierney, Twitchell, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M.E.

NAY—Ault, Baker, Berry, P.P.; Birt, Boudreau, Briggs, Brown, Bustin, Chonko, Clark, Connolly, Cottrell, Curran, Curtis, T.S., Jr.; Dow, Farley, Farnham, Ferris, Finemore, Flynn, Good, Goodwin, K.; Greenlaw, Haskell,

Herrick, Huber, Jackson, LaPointe, Lewis, J.; McHenry, McTeague, Morin, L.; Morton, Mulkern, Murray, Najarian, Norris, Peterson, Pratt, Rolde, Rollins, Ross, Simpson, L. E.; Smith, S.; Snowe, Stillings, Susi, Talbot, Trask, Trumbull, Tyndale, White.

ABSENT—Cameron, Crommett, Donaghy, Fraser, Hancock, Knight, McKernan, O'Brien, Santoro, Sheltra, Smith, D.M.

Yes, 87; No, 52; Absent, 11.

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

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

Mr. CARRIER: Mr. Speaker, I ask for reconsideration and I hope that all of you vote no.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, having voted on the prevailing side, moves that the House reconsider its action whereby it voted to recede and concur. All in favor of that motion will say yes; those opposed will say no.

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

Orders

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

Whereas, Members of the Legislature appreciate the manner in which their quarters are routinely kept; and

Whereas, the domestic and custodial staff at the State House have done an exceptional job under difficult conditions brought about by the energy crisis and the current legislative session; and

Whereas, carpenters, electricians and countless others have gone beyond the demands of regular duties to aid in the comfort and convenience of the Legislature; now, therefore, be it

Ordered, the Senate concurring, that the Members of the 106th Legislature join in this expression of thanks to each of you within the several bureaus and agencies who service the Legislature, for your outstanding effort and hope this message will serve as a small measure of our continued appreciation for the services you have so cheerfully rendered; and be it further

Ordered, that suitable copies of this Order be prepared and presented to members of this dedicated work force to convey the sentiment expressed herein. (H. P. 1948)

The Order was read.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: My prime concern in getting this order together was the custodial and janitorial services that are being performed in the halls of the House at the present time during the day. I think they are doing an outstanding job. They are keeping the floors clean, they are emptying our ashtrays, they are emptying our waste paper baskets, and it is one of those jobs that I know some of you have worked on — I know I have done quite a bit of it myself — but it is one of those jobs where nobody comes by and says, "Gee, that is a clean floor. Thanks a million. Thanks, that is a nice clean window." Nobody ever gives them any thanks, and I hope that you will all go along with me in thanking these people that come in here every day and empty the waste paper baskets, empty the ash cans and do the mopping and sweeping of the halls. I think they deserve our thanks. It is one of those jobs that really goes thankless, and it is time that we didn't look upon these people, the janitorial services and custodial services, as people that don't deserve thanks. So let's give them our thanks by passing this order.

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

On motion of Mrs. McCormick of Union, it was

ORDERED, that Owen Hancock of Casco be excused from attendance due to illness.

House Reports of Committees Ought to Pass with Committee Amendment

Mr. Sproul from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Salaries of County Attorneys and Assistant County Attorneys" (H. P. 1848) (L. D. 2341) Emergency, reporting "Ought to pass"

as amended by Committee Amendment "A" Mr. Smith abstained from voting.

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-666) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft New Draft Printed

Mr. Tyndale from the Committee on Education on Bill "An Act Relating to the Budgetary Process of the Eleven New Regions and Central Aroostook County Region for Vocational Education" (H. P. 1780) (L. D. 2252) Emergency reporting "Ought to pass" in New Draft (H. P. 1945) (L. D. 2479) under new title Bill "An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education" Emergency.

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority report of the Committee on State Government on Resolution Proposing an Amendment to the Constitution to Provide Appointment of the Attorney General and the Treasurer by the Governor (H. P. 1854) (L. D. 2347) reporting "Ought not to pass"

Report was signed by the following members:

Messrs.

WYMAN of Washington

SPEERS of Kennebec

—of the Senate.

Messrs.

SILVERMAN of Calais

FARNHAM of Hampden

CURTIS of Orono

GAHAGAN of Caribou

STILLINGS of Berwick

—of the House.

Minority report of the same Committee on same Resolution reporting "Ought to pass" as Amended by Committee Amendment "A" (H-664).

Report was signed by the following members:

Mr.

CLIFFORD of Androscoggin

—of the Senate.

Messrs.

CROMMETT of Millinocket

COONEY of Sabattus

BUSTIN of Augusta

Mrs.

NAJARIAN of Portland

GOODWIN of Bath

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move acceptance of the Majority "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves that the House accept the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This divided report, which you may have noticed already, is strictly on partisan lines. It involves two matters which we have discussed for many years in the Maine Legislature and is a result of two Maine Management and Cost Survey recommendations which are found on page two of the original green parcel called the Longley Commission Report. Those recommendations recommended that both the Treasurer and the Attorney General of the State be appointed by the Governor and be responsible to him rather than to the legislature. I oppose this recommendation, and my reasons quite simply are that I think the chief prosecutor of the State of Maine, the Attorney General, ought to be in an independent position from the Executive Branch.

The Maine Cost Management recommendation is that the Attorney General should be appointed by the Governor, subject to approval by the legislature, and report to him. The Governor should have full power of his removal from office for cause. It seems to me that an Attorney General who is appointed by the Governor, subject to his removal for cause upon the decision of the Governor, would also be beholding to the Governor.

We have been very fortunate in Maine in having a fine history of independence between those two separate divisions, and the result has been highly beneficial in terms of fair, equal, honest enforce-

ment of the laws and administration of them.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am shocked and dismayed at the remarks of the gentleman from Orono, Mr. Curtis, this morning in implying that this bill should go down the lines here according to the parties that we belong to. I would indicate to you that you should not be too impressed by the majority report, because it is only a majority of one. This is a 7 to 6 report.

This bill simply provides that the Governor of the state will appoint the Attorney General and the State Treasurer, and we have sweetened it up a little bit by adding Committee Amendment "A" which says the people holding these offices must resign if they intend to run for state-wide office. We thought that might make it a little more palatable.

Evidently Mr. Curtis was not listening carefully last week when the Speaker of the House and the Majority Leader admonished members of the House to give very careful consideration to the recommendations of the Longley Report. After all, this group of businessmen gave their own time and money, came down here, studied this whole situation and made a very thorough recommendation. I would like to read those recommendations to you in their entirety. It is not very long.

Recommendation 3. Make the Treasurer of State appointive. Historical reasons for making the Treasurer of State an elective officer are no longer germane. Responsibilities of the Treasurer are financial in nature, and efficient performance demands a high degree of career competence. He should be made appointive with responsibility for his selection resting with the Governor.

Recommendation 4. Make the Attorney General appointive by the Governor. Currently the Attorney General is selected by reports to the legislature. He is charged with the responsibility of providing legal counsel to all agencies. Due to the present method of appointment, he is most responsive to the Legislative Branch. This creates a conflict with the Executive Branch because of varying

objectives and priorities. As a result, the Governor and Executive Agencies do not always receive the benefit of objective and timely counsel. The Governor needs assistance from the Attorney General in areas such as bill drafting, rendering opinions and representing the state in litigation. At times, it is also necessary for the Attorney General to serve as chief law enforcement officer to assist with special functions such as consumer protection and drug abuse.

The Attorney General should be appointed by the Governor, subject to approval by the legislature, and report to him. The Governor should have full power of his removal from office for cause. That is recommendations 3 and 4 from the Maine Management and Cost Survey. I think we should pay very close attention to what these people say.

I was concerned when I was asked to sponsor this bill that it might go down party lines, but seeing that the Longley Commission has come out in full support of it, I am quite aware that we will give it even more careful consideration than normal. Thank you very much.

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

Mr. SILVERMAN: Mr. Speaker, Members of the House: I signed the "ought not to pass" report. One of the principal reasons is that we as a legislature I do not think want to relinquish our powers. One of those powers is that we can vote in the Attorney General for the current year or two years. We can also select the Treasurer. And it gives us a standard of balance between the Executive Branch of our government in Maine and the Legislative Branch of government in Maine. I do believe in keeping the fine tradition we have in Maine. We will keep the Attorney General and the Treasurer an elected official from the state legislature and not appointed by the Governor.

Also, my colleague, Dave Bustin, mentioned the Longley Report. As I understand the Longley Report, it is supposed to be a cost management study, and a cost management study based on savings in state government for the State of Maine. In no way does this bill, in my opinion, or I think in any other person's opinion, save money by a management pro-

cess. Therefore, I would ask you to support the "ought not to pass" report.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Augusta stated that we should follow the suggestions of the Longley Commission because they worked hard and gave of their time. I agree that they worked hard and gave of their time, but I also reserve the right to disagree with any single suggestion in their report.

It is interesting to note that Mr. Bustin himself disagreed with their suggestion on roll call 416 on the four-year college program.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit confused this morning when the gentleman from Augusta, Mr. Bustin, says that you are not a winner when you win by one. I am sure that if all of a sudden he won his seat in Augusta by 51 percent that he wouldn't give it up to the fellow who only got 49 percent.

As we look at the Longley Report, I would have to agree that I think the other day we said that the Longley Report should be heard within the committees and should be brought out on the floor for debate, and here is one that is out here.

The other night at a meeting with the Longley Commission, this is one of the items that I asked him about. I asked them if they weren't getting into philosophy rather than actual cost savings. I asked them if they could prove to me where the appointment of the Treasurer by the Governor or the legislature could be any cost savings to the State of Maine. The only answer I could get from them would be that if we set up the criteria whereby he was selected, there could be some cost savings. Well, I say that we can set up that same criteria right within the legislative appointment or the gubernatorial appointment. I think I would support a full-time Treasurer that was not answerable to either one of us if he had the qualifications and the qualifications were determined and placed on the record as to what type of an in-

dividual he should be and what background and so forth.

Let's take a look at the A.G. for a minute and take a look at the entire Longley Commission, because there is also a portion of the Longley Commission Report that says that the Governor shall have his own legal counsel independent of the Attorney General's Office. Where are we going to be when that bill comes out here. We should make up our mind right here and now whether the A.G. is available to the Governor and to the Legislature collectively or not. The present Governor has had his problems with the former A.G., but I think right now he gets along pretty well with the present Attorney General we have. I think the Attorney General has also been very agreeable to work with him.

I think the Attorney General's position is one to litigate. The Attorney General's Office should be involved in the many things that we decide to give them. If they are understaffed, we should make the determination whether they should have more people there. I say, "Where will the legislature be if we have appointment to the Governor?" If the Governor feels right now that he does not have access to the Attorney General's Office because they are more dependent upon us, or that the A.G.'s Office should be a role affecting our thoughts, then I would say, where are we going to be if suddenly the Governor has the appointment of the A.G.? The shoe would be just reversed and we would be back again in the same boat. I say we do not need either one, and I think whether they are on party lines or not, I think we know where this bill is going when it needs two thirds.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Either one of these reports don't suit me if either one of them were in the majority. I kind of disagree with my good friend from Standish. If I could have my way, and I have said this before on the floor of the House, I would like to see the people of the State of Maine elect the Attorney General, not the legislature, not the Governor appointing them. I am not going to support the bill, and I wouldn't

support either report if there was a majority.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In welcoming me back in a note, the gentleman from Standish, Mr. Simpson, said it has been rather quiet around here. There are two things that usually get me on my feet — appropriations and constitutional bills. As far as this bill is concerned, and I am not chiding my good friend, and I mean that sincerely, from Augusta, Mr. Bustin, I am rather amazed because he has been around here long enough to know that a majority report is a majority report. It may be 7 to 6, but he is going to find out when those glimmers go on that that is the biggest one vote majority that he has seen and taken a peek at for a long time, and I think he agrees with me.

I have got to agree with the — speaking about the Longley Report, there is no one in this room that knows Mr. Longley any better than I do, has spent more time with him during all this period than I have, yet I have never and did never see the report nor was it discussed with me. I did not know of a comma in the report until I heard it at the Civic Center. But I would go along with the same areas that have been talked about today. This is not what the report was conceived of in the beginning. This is policy-making, and in my opinion this is wrong. I presented a bill to elect the Attorney General. Certainly I would agree with my good friend from Bangor, Mr. Kelleher. Just for laughs, can you imagine — and I don't think we should blame the Governor, he didn't have anything to do with it, he didn't write the report — but by the same token, with the House being 79 to 73, with the Republican Party temporarily being in command and the Senate being what it is and the Governor being a Democrat, can you just imagine the Governor appointing an Attorney General and the appointment landing here. We wouldn't have an Attorney General for four years. It would be the same thing as tabling something and having some legal matter in the council chamber now.

And as far as the Treasurer is concerned, I have maintained for years, and

I maintain the same thing even though I am very very fond of the present Treasurer of the State, we need a treasurer like we need a hole in our heads. So I think the gentleman from Augusta, Mr. Bustin, says it is one, I am afraid it was two just a couple of minutes ago, and I am going to make it three.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was pleased to hear the remarks of the gentleman from Standish, Mr. Simpson, in reference to this particular recommendation.

I am sure I don't need to remind the members of the House that this particular recommendation dealing with both these particular constitutional officers has been made before, made back in the thirties by a commission that was held during that time, was made in the fifties, it was made some time ago, and it is true that it has been in the Democratic Party platform for a long time. I would point out that that doesn't necessarily make it wrong. It may just make it right. I am sure that the gentleman would agree with me that even we in the minority come up with good ideas from time to time.

I was, needless to say, surprised and pleased that the members of the business community recommended this particular recommendation to us for our consideration. They made the point that evening, if the gentleman remembers, they made the point that one of the considerations and one of the reasons why they made this recommendation was not based on politics, per se, but it was based on the fact that they seem to feel that legal counsel, if it were done that way in the business community, that they would never get an opinion which would satisfy them or would be responsive or responsible to the organization that they are a member of. And they felt that the Governor is basically the chief administrative officer of large corporation, comparably, and that he ought to have the capabilities of being able to do something like this.

I think as we look upon these two recommendations of the Longley Commission Report, we have to keep in mind and

agree with many of the areas, for valid reasons, in that particular report, and we ought to be honest and say so. But I would hope that we would not do it on the basis of politics.

It seems to me an excellent opportunity for us to give the businessmen a vote of confidence in this particular recommendation.

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

Mr. BUSTIN: Mr. Speaker and Members of the House: Before the vote is taken, Mr. Speaker, I would like to advise the Majority Leader and perhaps members of his party that where appropriate they could be missing a bet here. Because if we fall upon bad times and we get a republican governor in the November elections and the people in their wisdom elect a democratic legislature, there will be people around here who will regret the day they killed this bill. That aside, in any case I move the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Majority "Ought not to pass" Report on Resolution, Proposing an Amendment to the Constitution to Provide Appointment of the Attorney General and the Treasurer by the Governor (H. P. 1854) (L. D. 2347). All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Chick, Churchill, Cote, Cressey, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Finemore, Flynn, Gahagan, Garsoe, Good, Hamblen, Haskell, Herrick, Hofses, Huber, Hunter, Immonen, Jackson,

Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Knight, Lewis, E.; 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, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, White, Willard, Wood, M. E.

NAY — Albert, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curran, Deshaies, Dow, Drigotas, Dunleavy, Farley, Faucher, Fecteau, Gauthier, Genest, Goodwin, K.; Greenlaw, Hobbins, Jacques, Keyte, Kilroy, LaCharite, LaPointe, Lawry, LeBlanc, Lynch, Mahany, Martin, Maxwell, McHenry, McTeague, Morin, L.; Morin, V.; Mulkern, Murray, Najarian, O'Brien, Peterson, Pontbriand, Ricker, Rolde, Smith, D. M.; Smith, S.; Talbot, Tanguay, Theriault, Tierney, Wheeler, Whitzell.

ABSENT — Briggs, Carrier, Fraser, Hancock, McKernan, Mills, Santoro, Sheltra, Susi.

Yes, 82; No, 58; Absent 10.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Transfer the Pesticides Control Board to the Department of Environmental Protection" (H. P. 1871) (L. D. 2370) reporting "Ought to pass" in New Draft (H. P. 1946) (L. D. 2480) under new title Bill "An Act to Transfer the Pesticides Control Board to the Department of Agriculture"

Report was signed by the following members:

Messrs. WYMAN of Washington
SPEERS of Kennebec
CLIFFORD of Androscoggin
—of the Senate.

Messrs. CURTIS of Orono
BUSTIN of Augusta
FARNHAM of Hampden
COONEY of Sabattus

SILVERMAN of Calais
GAHAGAN of Caribou
STILLINGS of Berwick

—of the House.

Minority report of the same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1947) (L. D. 2481) under same title.

Report was signed by the following members:

Mr. CROMMETT of Millinocket

Mrs. GOODWIN of Bath

NAJARIAN of Portland

—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I move acceptance of the Majority "Ought to pass" Report in new draft and would speak to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis moves the acceptance of the Majority "Ought to pass" Report.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is another of the Longley Commission Report which has been considered by the State Government Committee. It had quite considerable debate in the public hearing and also lengthy discussion in Executive Session.

Before us today we have two bills, L. D. 2480, and L. D. 2481, which are the results of the consideration of the committee, the majority report and a minority report. Neither one of these recommendations in L. D. form represents what the Longley Commission recommended to the Maine Legislature. On page 48 of the Maine Management and Cost Survey Report is the Longley Commission recommendation that the Board of Pesticides Control be eliminated and that its functions be transferred to the Department of Environmental Protection.

That proposal per se is not before us this morning, but we are considering the other two recommendations. And basically the question boils down to whether or not we think this board, comprised of state agency heads, ought to be located administratively within the Department of Agriculture or within the Department of Environmental Protection, and the majority of your committee in State

Government recommends that it be located within the Department of Agriculture. I think there is a good representation for the minority here, and perhaps they would like to have their explanations; I am sure they will.

At the public hearing we heard ten opponents of the proposed legislation, almost all of whom said if it were necessary to administratively locate the Board of Pesticides Control anyplace, that they far preferred that it be within the Department of Agriculture. And those people came from all over the State of Maine to testify before the State Government Committee.

And once again, as has been unfortunate in the past and I expect to continue in the future, there was no one from the Longley Commission to present exactly why they made the recommendations that they did. But there are other reasons for that that have to do with tax exemptions, but I think it is important that members of the legislature realize that the State Government Committee did not reject the Longley Commission recommendations out of hand without giving them some thought. It is just that it was kind of difficult for us to understand their reasons without having anybody there to testify.

The SPEAKER: The Chair recognizes the gentlelady from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I signed the Minority "Ought to pass" Report that this Board of Pesticides Control be placed in the Department of Environmental Protection. The reason I did that was because the board was established to assure proper application of pesticides, investigate complaints about their applications as well as protect the public interest in soil, water, forest wildlife, and other natural resources.

The legislative intent in establishing this agency was to provide maximum protection to people and the environment rather than economic benefit.

Although Representative Curtis said, placing it in the Department of Environmental Protection was highly opposed by the agricultural industry and although many of you here represent rural areas, it still seems to me that the Department of Environmental Protec-

tion is the logical place for this board to go, considering its original intent, which was to protect the environment.

The SPEAKER: The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think the criteria we use on where to put this board should be how it works. Let's put it in whatever department it will work better in.

Now I submit to you that the board is working very well right now, and if I had my "druthers" I would "druther" see it left alone.

I think the reason it works is because it is kind of slim. There are just two employees, and they work their duffs off. When you have a request they to, they service it, and they get back to the office. They are not overstaffed, and I think that is good. However, we are told, because of government reorganization and because of the Longley Report, we have got to move it somewhere. If you move it into the Department of Environmental Protection, as much as I like the people there and I have supported legislation which gave them more work, I do think they are getting a little bogged down. For instance, they still have the Solid Waste Management Act to administer. That is new to them.

I know a friend who made a request to do some work in front of his camp, and they said it would take six months to service that request. Well, you can't put the Board of Pesticides Control in a department which will take six months to service a request. When they get a request, they have got to tend to it rapidly, and if you put it in Agriculture, they can do that.

Environmental Protection has already, I believe, got plenty to do, and I think we have got to put that board where it is going to work, and it will work better in Agriculture. I hope you go along with the majority report.

The SPEAKER: The Chair recognizes the gentlelady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of the bill which was presented in the regular session of the 106th Legislature, and I can give you a report of the success, if you will, of that bill.

The State Government Committee issued three reports on this proposal. Report "A" was "ought not to pass" and was accepted by the legislature. Report "B" was "ought to pass" as amended by House Paper 273, and Report "C" was "ought to pass". The bill met defeat here on the floor of the House.

The Longley Commission study recommended that the Board of Pesticides Control be abolished and the duties of Pesticides Control be placed with the Board of Environmental Protection. This was the reaffirmation of an earlier study conducted in 1970.

Actually, members of the House, this is the third time for the presentation of the movement to place the Board of Pesticides Control somewhere, and it seems that although the Board of Pesticides Control is an effective, working agency, that proponents of the reorganization proposal have several times lost, lost because members of the agricultural community who are keenly and deeply involved with pesticides, herbicides, and insecticides in this state, are opposed to the move to place this Pesticides Control Board in the Department of Environmental Protection.

At the public hearing before the Committee on State Government, the Commissioner of the Department of Environmental Protection spoke knowledgeably as a proponent for this measure. As the sponsor of the original bill, L. D. 2370, I presented a suggested committee amendment during the public hearing whereby this Pesticides Control Board would be transferred to the Department of Agriculture. Commissioner of Agriculture Maynard C. Dolloff is Chairman of the Maine Pesticides Control Board, and although that section of the bill has been deleted in the new draft, members of the board will elect their chairman.

As sponsor of the bill before the regular session in the 106th Legislature and as sponsor of the bill before this special session of this Legislature I endorse the movement of the Pesticides Control Board to the Department of Agriculture, which reflects the concern of Maine citizens. It is working well; we suggest that it be placed within that department.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: There are few bills that I have had any direction this year from my people up north. However, I have had two smart corresponding letters concerning this bill. One was from the Potato Council, and they very definitely support this bill concerning insecticides and pesticides to be placed under the Department of Agriculture. Personally, I think that is where it belongs. I know last year in the regular session some of us on the Agriculture Committee talked of having it placed here, but we were talked out of it and let the thing drop.

I would urge you to support the bill to have this placed under the Department of Agriculture.

Mrs. Clark of Freeport requested a roll call vote.

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

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I felt I had to get up this morning and show my face. I was the man who introduced the bill to create the Pesticides Control Board. That was quite a few years ago. I think it has worked out very well, I think they have aided us many times, and I am not opposed to seeing it go to the Agriculture Department.

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 Orono, Mr. Curtis, that the House accept the Majority "Ought to pass" Report on Bill "An Act to Transfer the Pesticides Control Board to the Department of Agriculture," House Paper 1946, L. D. 2480. 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.; Berube, Binnette,

Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farley, Farnham, Faucher, Fecteau, Ferris, Finemore, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Greenlaw, Hamblen, Haskell, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Norris, O'Brien, Palmer, Parks, Perkins, Peterson, Pontbriand, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Goodwin, K.; Jackson, Najarian.

ABSENT — Crommett, Dyar, Farrington, Fraser, Hancock, McKernan, Mills, Santoro, Sheltra, Silverman, Tanguay.

Yes 136; No 3; Absent 11.

The SPEAKER: One hundred thirty-six having voted in the affirmative and three in the negative, with eleven being absent, the motion does prevail.

The New Draft was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Resolve Reimbursing Southern Aroostook Community School District for Loss by Fire (H. P. 1847) (L. D. 2340) reporting "Ought to pass"

Report was signed by the following members:

Messrs. SEWALL of Penobscot
CONLEY of Cumberland

MORRELL of Cumberland
— of the Senate.

Messrs. HASKELL of Houlton
BRAGDON of Perham
JALBERT of Lewiston
— of the House.

Minority Report of the same Committee on same Resolve reporting "Ought not to pass"

Report was signed by the following members:

Messrs. NORRIS of Brewer
SPOUL of Augusta
SMITH of Dover-Foxcroft
CARTER of Winslow
— of the House.

Reports were read.

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

Mr. HASKELL: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

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 just might briefly try to explain my position on this bill. It is for \$9,000. In comparison to a lot of things we consider here it is sort of inconsequential.

During the course of my brief tenure on the Appropriations Committee, we have been confronted with a lot of relatively minor bills where individual legislators have asked on behalf of their towns and on behalf of the school districts for capital money so that they might procure, whether it be dams or ponds or books or whatever, essentially capital procurement money. In almost every instance where the interest is unique to that particular municipality or locality, the Appropriations Committee has turned them down. In this particular instance I think that uniqueness exists, and I think that the Appropriations Committee should have turned this bill down also.

This is an insurable item. What we are talking about here is essentially books, as I understand it, that have been destroyed by fire. Either the insurance wasn't adequate — I guess there was some insurance perhaps on the building — or there wasn't any insurance at all on

the books. I think that the state ought to encourage a local policy of insurance on these types of items. I simply think of it as a matter of precedence, as a matter of policy, as a matter of fairness to those who have similarly asked for capital procurement money this bill ought to be turned down. I would hope that you would vote no on the "ought to pass" report, and then accept the minority "ought not to pass" report.

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

Mr. HASKELL: Mr. Speaker and Ladies and Gentlemen of the House: The point at issue here is very clear-cut. And the opinion of the majority of the committee also is very clear-cut. The facts that Representative Smith relate are true. We do turn down a great many requests of this sort. However, in this particular case a precedent has been set.

The Town of Danforth, which suffered a similar fire disaster a few years ago, the state did step in and they did reimburse for items of this sort. This fact is well known to the communities that are involved here. They are asking simply for even-handed treatment because they are in the same situation. So the majority of the Appropriations Committee are simply endorsing this because, unfortunately, we have established a precedent. The fact that the precedent is there is well known to these communities. You are faced with essentially whether you are going to continue a precedent that has already been established or whether you are going to deny these communities the funds which they know have been forthcoming in a similar situation within the last few years.

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

Mr. SPOUL: Mr. Speaker and Members of the House: I would like to carry on a little bit from that and tell you that last year there was a bill by Mr. Greenlaw from Stonington concerning a loss of a town hall over in his community which was turned down. And those same people had a one-time precedent, if you want to call one time a precedent. The Appropriations Committee and the legislature felt that that was not a precedent, and we did not wish to get it

established as such. I feel this is exactly in line. There has been one time, and I think that we should reverse it right now and not set it as a precedent and let both of those things be considered as exceptions. If we are to do this, what would be the incentive for communities to carry insurance and protect their own property? If this becomes standard operating procedure, none of them would carry insurance for town halls or school houses.

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

Mr. McMAHON: Mr. Speaker and Members of the House: The gentleman, Mr. Haskell, described a dangerous precedent. This is apparently the second one and it probably would not be the last if this bill were to pass. If this is carried to its logical conclusion, then school districts in this state could come to rely upon the state to bail them out every time they have problems resulting from lack of foresight on the local level. I hope you vote against this bill.

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

Mr. SOULAS: Mr. Speaker and Ladies and Gentlemen of the House: I rise in support of this bill today for several reasons. First of all, this money is needed to replace books and writing material for school children which was destroyed by fire.

Now, you have heard testimony in regards to insurance. If you have ever had an experience involving loss by fire or flood or what have you, then you know why this bill is here today.

As far as setting a precedent, we aren't a court of law. We're lawmakers who should be concerned with each and every problem as it arises. This is a temporary, one-time relief for a distressed neighbor. Are you going to turn your back on these children?

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I go along with the last speaker very much. Let's not think of this thing as a precedent. They say, "Oh, this and that." I don't go along with that at all. Here we have a needy case, and it has been mentioned, insurance. This group, as I understand it, had

insurance for \$22,000. It probably was what everything they had there was worth, there's no question. But the question is today, look at how much difference there is in cost of purchasing books and so forth than it was then. We allow they had \$10,000 on their books. How much would that buy back today? That wouldn't buy back half the books they had at that time.

But knowing this district, knowing this district very well as I do, this is in my district at the present time, and knowing the situation, they are a railroad town, and they have lost probably 50 percent of their employment in the last eight or ten years. Along with that, they are a town that has many, many senior citizens. I believe this is in the neighborhood of 35 or 40 percent senior citizens. Their tax rate is high now. Even with their valuation low, their tax rate is high. And I hope you will go along with this \$9,000. I think it would be a very good deed.

And again, to go back, if they buy it under their own, and pay for it under the 1994 later on, after the first, we'll say, or the last day of June or first day of July, it also becomes a cost to the state of 50 percent, and would also come right back out of towns all over the state. So why not pay them now? It is coming out of the same money.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

Mr. MacLEOD: Mr. Speaker and Ladies and Gentlemen of the House: I would rather face a den of wildcats than take on the Houlton and Aroostook County contingent on one of their pet projects here in the House. However—and I will probably get run out of the barracks tonight — but I do think that there is a matter of principle here this morning, that we are opening the door for future raids on the General Fund. What is good for one is good for all. And I think that the legislation that we have in our Education Department now will not slight this community to the Northland. I know things are tough up there, and these fellows are down here grinding the axes real hard this morning. But I do feel that if we are going to do for one, then we should do for the other, and we have got to shut the door here this morning.

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

Mr. BITHER: Mr. Speaker and Ladies and Gentlemen of the House: I wish the last speaker had not said "pet projects." This is not a pet project. This is just a project. Justice is all we are asking for not pets.

I would like to clear up one item. This loss, fire loss, I believe of equipment, was \$40,000, insured for \$22,000. Most of you people in this room have no conception at all, not any, of the type of building we're talking about. It was really uninsurable. You couldn't possibly put enough insurance on that building to cover it, because it is the old B & A Inn. Lord knows how long it has been built, and it was not fit for a school building anyway. I think we can safely quote each other on that. But you could not insure it. There is another place that we hope we are going to have some changes in, too, that you could say the same thing about. But this was an old wooden building, completely or almost wholly uninsurable. You couldn't put enough insurance on it.

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

Mr. CAREY: Mr. Speaker, I would like to address a question to the gentleman from Houlton, Mr. Bither.

The SPEAKER: The gentleman may pose his question.

Mr. CAREY: I would like to ask the gentleman how much the building cost the school district? Wasn't it, in effect, given to them from the very beginning?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to the gentleman from Houlton who may answer if he wishes.

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

Mr. BITHER: It is true; the building did not cost anything as this was not a school district. In the first place, this is just a single town. Let's remember, and I will mention it again, this building wasn't worth anything anyway.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very worthy cause. Now, I belong to a town that is not connected in any way

in a school district. We have had to build our school buildings and furnish them without any assistance from the state. However, I don't think that was justified, and many is the time I have thought about why we didn't come to the legislature and put up more of a fight to have some assistance from the legislature, because, after all, these areas that formed a district, some of them cities within themselves, they received considerable money to help them with their building projects and our area received none. We have to pay our portion on those districts that built new school buildings, new gyms, and so forth. But I feel that this is a small amount of money when you consider our school system and what the state will pay through the Department. I think they need this; they need it now. And I am broad enough minded to go along to help this community to receive this aid, although in our own area we received nothing.

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I would refer Mr. Bither, the gentleman from Houlton, to the bill, 2340. We are not talking about the building at all, and the building was insured.

We are talking about books and desks, and it is my understanding that under the current law under the Sinclair Act that this district is being reimbursed 75 percent by the state anyway, so I think they will be getting that money anyway.

When we talk about desks, I believe that L. D. 1994, those desks would be considered part of new construction and will be paid for wholly by the state.

The SPEAKER: The Chair recognizes the gentlelady from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker and Members of the House: This is not setting a precedent. It is only a stop-gap measure because when L. D. 1994 takes over it would be 100 percent reimbursement anyway. So we don't have to worry that this is something that can come up year after year.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: I would like to thank the gentleman from Augusta, Mr. Sproul, for very correctly explaining the situation that I was involved last year with Appropriations Committee. I made a request before the Appropriations Committee to assist the Town of Deer Isle to the tune of \$25,000 in reconstructing a town hall that was burned down. The town hall was a very similar building in the sense that it was not insurable for the full value. The Appropriations Committee turned it down unanimously. As hard as it was for me to go back to the Town of Deer Isle and indicate this bill was not passed, I did agree that we would be setting a very serious and dangerous precedent by enacting a bill of this sort.

Now it is my understanding that a precedent was set back in the special session of the 105th when one of the towns in northern Penobscot County was reimbursed for I believe a town hall that was gutted by fire.

Mr. Bither, the gentleman from Houlton, asked about justice for Danforth. Where is the justice for the Town of Deer Isle, Mr. Bither?

I would just question if we are talking here about supplies rather than building, has there been any other avenues of funding investigated that this bill might be funded somewhere else?

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Walker.

Mr. WALKER: Mr. Speaker and Members of the House: I wish to take exception to the remarks made by the gentleman from Augusta, Mr. Sproul. He is quoting wrongly when he says that we applied for desks and other furniture. Those are not furnished and we did not apply for them. We have just put in stuff that is irreplaceable, such as text books and work sheets.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I imagine that you are delighted that I have laryngitis this morning. You talk about precedents. The delegation from Aroostook is always very persuasive. I well remember a Senate President from that county who later became Governor and another

gentleman from the County who was a member of the House once had a double-barrel bill in to have the state build an addition to a private hospital in Fort Fairfield under the guise of a TB wing where they had no TB patients in the County.

I was not able to muster enough strength in the other body to defeat this, although I told them at the time that I thought it would happen that the state would eventually sell it to Fort Fairfield for one dollar.

During the 102nd Legislature that is exactly what we did, because we were persuaded again. I was outnumbered by members of the opposite party, so I would think that they at least would be delighted to vote for this bill today, since it is not a precedent-setting thing, and I think that I will join them.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to clear the record and hopefully protect the integrity of the Appropriations Committee, the Statement of Fact under this bill says that "all desks and materials lost in the fire." And the immediate problem is to purchase enough desks and materials, desks and materials—this is the Statement of Fact of the bill. If you look at your bill Mr. Walker, and if you read your bill and you read your Statement of Fact and educate the students in the remaining school buildings on a double-session basis, so it is in fact—or these materials which 1994 should furnish.

The other thing that I would bring out very briefly, and I admit that there is a need here, I don't question the need, but I feel that there are other avenues by which this money may be obtained, federal revenue sharing or county-federal revenue sharing. I feel that the local people have to be required to pay some of the costs, and this is what is coming before us. If you look at L. D. 2294, which is the emergency supplemental budget, in there under the Department of Educational and Cultural Services, you will see a request through the department for \$100,000 in additional subsidies to North Berwick SAD No. 60 and Brooksville SAD No. 73 for loss in valuation due to closing of plants. This is exactly the

same thing that you are attempting to do here this morning.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I just can't take this opportunity without sitting here chuckling a little bit, because you know I have heard an awful lot of debate around this place this morning about L. D. 1994 going to pay 100 percent of the cost of all of these books and all these cost of school construction and everything else. All you people that voted for it just keep in mind what you see and hear this morning and then next time when we come around to pay for that particular bill, think about that a little bit.

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 Houlton, Mr. Haskell, that the House accept the Majority "Ought to pass" Report on Resolve Reimbursing Southern Aroostook County School District for Loss by Fire, House Paper 1847, L. D. 2340. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brown, Bustin, Cameron, Churchill, Clark, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Drigotas, Dudley, Dunleavy, Emery, D. F.; Evans, Farnham, Finemore, Flynn, Gahagan, Garsoe, Good, Goodwin, K.; Hamblen, Haskell, Herrick, Huber, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Kilroy, Knight, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Mahany, Martin, Maxwell, McHenry, McNally, Mills, Morin, V.; O'Brien, Palmer, Parks, Peterson, Pontbriand, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Soulas, Stillings, Strout, Trumbull, Twitchell,

Walker, White, Whitzell, Willard, Wood, M. E.

NAY — Baker, Berry, P. P.; Binnette, Boudreau, Brawn, Briggs, Bunker, Carey, Carter, Chick, Chonko, Conley, Connolly, Cooney, Curran, Donaghy, Dow, Dunn, Farley, Farrington, Faucher, Fecteau, Ferris, Gauthier, Genest, Goodwin, H.; Greenlaw, Hobbins, Hoffses, Hunter, Jackson, Keyte, LaPointe, Lawry, Lynch, MacLeod, Maddox, McMahon, McTeague, Merrill, Morin, L.; Morton, Mulken, Murchison, Murray, Najarian, Norris, Perkins, Pratt, Ricker, Rolde, Smith, D. M.; Snowe, Sproul, Susi, Talbot, Theriault, Tierney, Trask, Tyndale, Webber, Wheeler.

ABSENT — Carrier, Crommett, Dyar, Fraser, Hancock, Jacques, LaCharite, McCormick, McKernan, Santoro, Sheltra, Smith, S.; Tanguay.

Yes, 75; No, 62; Absent, 13.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-two in the negative, with thirteen being absent, the motion does prevail.

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

Consent Calendar

First Day

(H. P. 1857) (L. D. 2350) Bill "An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation" (Emergency) — Committee on Transportation reporting "Ought to pass"

(H. P. 1787) (L. D. 2259) Bill "An Act Correcting the Ambiguities in the Statutes Relating to the Maine Guarantee Authority" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-665)

(S. P. 775) (L. D. 2222) Bill "An Act to Make the Term of Office of the State Planning Director Coterminous with that of the Governor" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (S-334)

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

Consent Calendar Second Day

(H. P. 1863) (L. D. 2357) Bill "An Act Increasing Indebtedness of the Jackson Water District"

(S. P. 772) (L. D. 2219) Bill "An Act to Create the Bangor Community Solid Waste District"

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

Second Reader Tabled and Assigned

Bill "An Act to Revise the Membership of the Land Use Regulation Commission" (H. P. 1937) (L. D. 2471)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and tomorrow assigned.)

Passed to Be Enacted

An Act Providing an Enforcement Provision for the Police Training Law (S. P. 782) (L. D. 2238)

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 Tabled and Assigned

An Act to Make Public Utilities Commissioners Full Time (S. P. 879) (L. D. 2455)

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and specially assigned for Thursday, February 7.)

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter: Bill "An Act Relating to Retail Sale of Fortified Wine" (H. P. 1710) (L. D. 2103)

Tabled — February 1, by Mr. Kelleher of Bangor.

Pending — Motion by Mr. Stillings of Berwick that the House accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes

the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would request a division and would speak briefly.

As sponsor of the bill, I heard no testimony regarding the financial end of this bill here. I would like to bring it to your attention.

The sale of wine in the State of Maine since 1970 has been gradually declining. In 1973 there were 62,430 cases of fortified wine sold in the State of Maine compared to 96,859 cases in 1970. That is a reduction of almost 33 percent. There was also a loss of approximately \$128,000 in revenue.

What this bill would do, it would increase sales of wine by letting them go to the stores. We could realize revenue from increase in sales tax of over \$100,000, just revenue from sales tax alone, notwithstanding the monies from the issuance of licenses.

A previous election in regard to this measure three years ago on the referendum for the sale of wine, I am sure it was the intent of the people that they thought that all wines would be sold in stores, not just Bali-Hai in 52 different flavors. I ask for a division and hope you would support my motion.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I think perhaps we are all pretty much aware that this is one of the old chestnuts that we have roasted before in this legislature. The committee, by a vote of 12 to 1, determined that it was inappropriate to enact this piece of legislation at this time, or to suggest to this body that it be enacted, primarily because of a study that the committee is undertaking by legislative order. I would just like to quote from the order which suggests that our committee, the Liquor Control Committee, is authorized and directed to study the operations of and procedures employed by the Bureau of Alcoholic Beverages and analyze the possible effects of establishing private retailing outlets for liquor sales to determine whether the present state system or a free enterprise system would best serve the interests of the citizens of this state.

Putting aside all of the other issues that generally are considered in most of the liquor issues that are before us, I think the fact that this study is under way meant to the committee and means to me that we would like to not exercise premature judgment. We would like to be able to continue this study, so I would hope that you would vote to accept the majority "ought not to pass" report. When the vote is taken, Mr. Speaker, I request the yeas and nays.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I think I would have to take exception to the remarks of the gentleman from Biddeford, Mr. Farley, in regards to this particular matter two years ago. It so happened that I was on the Liquor Control Committee two years ago, representing the Senate and it was very, very definitely understood that the matter under discussion at that time clearly defined the difference between the fortified wines, which this bill encompasses and the sale of the other wines. I would like to have it clearly understood with the gentleman that we were clearly understandable in the definition of these two wines.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize if I gave that impression. I wasn't referring to the members of the body who voted on this thing to send it to referendum I was talking about people in general, I apologize.

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

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

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly on this bill because I

feel it is a bad bill, I don't think it is a bill that we should pass. I feel that way for two precise reasons. First of all, this is not a bill which is going to help the average small grocery store. We have a license fee which is \$200, which I think is too much for the small store. I think this a boon for the large stores which will work to the disadvantage of the Ma and Pa stores that we talked so much about.

And number two, I am against this bill because I think we are essentially pushing as a matter of social policy wines with a high alcohol content, and I don't think we ought to do that. I am going to vote against this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that the House accept the Majority "Ought not to pass" Report on Bill "An Act Relating to Retail Sale of Fortified Wine," House Paper, 1710, L. D. 2103. 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.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Brown, Bunker, Bustin, Cameron, Carter, Chick, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Evans, Farnham, Farrington, Faucher, Finemore, Flynn, Gahagan, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McMahon, McNally, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Norris, Palmer, Parks, Perkins, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Susi, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Carey, Chonko, Conley, Farley, Fecteau, Ferris, Goodwin, H.;

Hobbins, McTaague, Morin, L.; Narian, O'Brien, Talbot, Theriault.

ABSENT — Bragdon, Briggs, Carrier, Crommett, Dyar, Fraser, Gauthier, Hancock, Huber, Jacques, Kelley, McCormick, McKernan, Peterson, Ross, Santoro, Sheltra, Soulas, Strout, Tanguay, Webber.

Yes, 115; No, 14; Absent, 21.

The SPEAKER: One hundred fifteen having voted in the affirmative and fourteen in the negative, with twenty-one being absent, the motion does prevail.

Sent up for concurrence.

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

Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County" (H. P. 1687) (L. D. 2080) Emergency

Tabled — February 1, by Mr. Carter of Winslow.

Pending — Motion of Mr. Carter of Winslow to reconsider action whereby the Bill was indefinitely postponed

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

Mr. CARTER: Mr. Speaker, I move this be tabled for two legislative days.

Thereupon, Mr. Birt of East Millinocket requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that this matter be tabled pending his motion to reconsider and specially assigned for Thursday, February 7. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

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

Resolve Authorizing the Commissioner of Educational and Cultural Services to Convey Certain Easement Rights at Southern Maine Vocational-Technical Institute in South Portland (S. P. 886) (L. D. 2473) Emergency

Tabled—February 4, by Mr. Simpson of Standish

Pending—Reference

(Came from the Senate referred to the Committee on Education)

On motion of Mr. Simpson of Standish, referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

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

Resolution Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks (S. P. 884) (L. D. 2472)

Tabled—February 4, by Mr. Simpson of Standish

Pending—Reference

(Came from the Senate referred to the Committee on Legal Affairs.)

On motion of Mr. Simpson of Standish, referred to the Committee on State Government in non-concurrence and sent up for concurrence.

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

Bill "An Act Creating a Permanent Governor's Advisory Council on the Status of Women" (H. P. 1808) (L. D. 2300) (C. "A" H-662)

Tabled—February 4, by Mr. Martin of Eagle Lake.

Pending—Passage to be engrossed

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the passage of this L.D. because it runs contrary to the philosophy expressed in the Equal Rights Amendment. That philosophy emphasized the legal equality of both sexes and I supported it. This bill discriminates against men and calls for an unnecessary expenditure of funds at a time when this state is severely strapped for funds. I do hope I am not considered as being against women but rather as being one who is for equal rights for both sexes.

Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves the indefinite postponement of this bill and all accompanying papers.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman that the sum of money seems to be excessive. The important portion of this bill is not really the money, but it is really the rest of it.

What I tried to get to my feet for first in order to tell the members of the House is that an amendment is being prepared. I thought it would be ready this morning; unfortunately it is not. I would hope that someone would table it for one day so that we can get the amendment and then if you want to then vote it up or down based on that, then we could vote accordingly.

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

Mr. PALMER: Mr. Speaker and Members of the House: A question through the Chair. Would the gentleman from Eagle Lake kindly tell us how much the amendment calls for?

The SPEAKER: The Chair would inform the gentleman that the pending motion is the motion of the gentleman from Kennebunk, Mr. McMahan, to indefinitely postpone this Bill and all accompanying papers, and there is no amendment presently before us.

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

Mr. MARTIN: Mr. Speaker and Members of the House: When my amendment is ready, my amendment will take precedence over the motion to indefinitely postpone, which I hope to offer tomorrow.

The amendment would call for an appropriation of somewhere around three to four thousand dollars.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, I move this item be tabled for one legislative day.

Thereupon, Mr. Dudley of Enfield requested a vote.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Mrs. Clark, that this matter be tabled for one legislative day pending the motion of Mr. McMahan of Kennebunk to indefinitely postpone. All

in favor of this matter being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 64 having voted in the negative, the motion did not prevail.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: When I first saw this bill, it reminded me of a fable which I once read, and I delayed speaking on it because I couldn't find the fable, but I finally have found it and I want to read it to you.

"Once upon a time, there was a little red hen who scratched about and uncovered some grains of wheat. She called her barnyard neighbors and said: 'If we work together and plant this wheat, we will have some fine bread to eat. Who will help me?'

"Not I,' refused the goose. 'Nor I,' protested the duck. I demand guaranteed annual bread, snorted the pig.

"So the little red hen, alone and unaided, planted the wheat and in time harvested three quarts of fine, firm grains. She then asked her neighbors to help her grind them into flour.

'I'd lose my welfare benefits,' complained the pig. I never learned how,' quacked the duck. 'If I am the only one to help, it is discrimination,' protested the goose.

"So the little red hen ground the flour, kneaded it into dough and baked four big loaves of bread. Proudly, she held them up for her neighbors to see.

'I demand my share,' grunted the pig. 'Equal rights,' flapped the goose. 'Ducks are more important than property, and I am hungry. I have a right to that bread,' chanted the duck.

"No," said the little red head. 'I worked hard to plant the wheat, grind the flour, knead the dough, and bake the bread. Now, I am going to rest a while and eat the bread myself.'

"The others made up picket signs, demonstrated noisily, and threatened to burn down the barn. The commotion attracted the attention of a government agent, who was regulating the farmer who owned the barn.

"You must share,' declared the gov-

ernment man. 'Look at the under-privileged pig. Pity the uneducated duck.'

"Nevertheless, you must give one loaf each to the duck and the goose and the pig."

"And she did.

"And now her neighbors wonder why the little red hen never bakes any more bread."

Now you say, how does a fable remind me of this bill? In many respects, aside from the fact that this would probably produce nothing more than a lot of hen talk, and a new barnyard philosophy, I would say it also smacks too much government regulation and new commissions in an age when we don't need anymore here in the State of Maine.

I would remind you that regulations generally are conceived in a high purpose. Some well-intentioned individual notes a wrong, and they try to go about finding some way to correct that wrong. So a new statute or a new regulation to an existing statute is promoted. Then a new bureaucracy is formed or a larger one or an old bureaucracy is made a little bit larger, and finally more bureaucrats are escalated to higher and higher levels of incompetency and then finally we have regulation.

Now this may be humorous, but it really isn't humorous. I have heard many times on the floor of this House the fact that Maine has a budget that keeps growing, and growing, and growing, and yet we have the same population. This is one way I think to stop it.

I ask you to look at the bill and see what it says. It says, "This Council of twenty-three people are necessary to advise and consult and promote and coordinate the activities designed to meet the problems of women at state and community levels, and to do research work on other projects which have been promoted in other states, other parts of the United States." It also says that there will be a biennium, and during the biennium the council shall hold a State Governor's Conference on the Status of Women, and they shall hold regional conferences.

Now frankly, ladies and gentlemen of the House, I don't care if this bill costs \$30,000, \$10,000, \$3,000 or \$3.00. It is wasting good gasoline to have the good ladies

come to the State House and discuss these problems.

We have already passed an Equal Rights Amendment in this House which granted equal rights to the ladies of this state. I think it is foolish for us to say now that we have done that we have to have a special commission on the status of women. We might as well have one on the status of men, or a special commission perhaps on the status of individuals so that we will show no partiality.

I would close by reminding you that practically all this bill does is call for a conference every two years as a result of what the girls have decided should be done here in Augusta to improve the status of women. And I am reminded of something which Sarah Vaughan once said. She defined a conference as a meeting at which people talk about the things they should be out doing rather than attending meetings. I think if we were all about doing the things we should be doing, we wouldn't have to worry about the status of men, women or individuals. And I would move that we indefinitely postpone the article and all its accompanying papers.

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

Mr. DUDLEY: Mr. Speaker, and Ladies and Gentlemen of the House: This morning I feel the same as I have with any other of these commissions started in the many years as I have been here, I have been against them. They are a placement of more government and more commissions. And if it cost \$2 I would be against it.

What I am really against in this bill is the permanency that is written in the bill. I don't want to start no new commissions, any research on women. I have been doing that all my life, and there is not much more to be said about it.

The SPEAKER: The Chair recognizes the gentlelady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker and Members of the House: I am the sponsor of the bill before us. I am also Vice Chairman of the Governor's Advisory Council On the Status of Women, not girls. Today the Council consists of 17

members appointed by the Governor from all geographical regions of the state. The present Council was appointed by Governor Curtis in November of 1973 and we will serve for a two-year period.

A little history on the Council might enlighten some members of this House. The President of the United States Commission on the Status of Women was first established by President Kennedy in 1961. Upon his recommendation in 1963, each of the states were requested to form State Commissions. And since that time every state, also Puerto Rico and the Virgin Islands, has created Commissions on the Status of Women.

Proudly, Maine was the first state in the Northeast Region to form a commission. In 1964 Governor John H. Reed appointed the first Commission, in recognition of the increasingly important role played by women on our national life, to study the progress women have made in achieving opportunity in the State and to explore the social, economic and legal problems with which they are confronted. Although we made an excellent start in Maine with our Council, we have not continued our leadership among the states or even kept up with them. There are 15 commissions in the Northeast Region representing the New England and Mid-Atlantic States, District of Columbia, Puerto Rico and the Virgin Islands. Of the 15 commissions, ten have full-time staffs, and most of the remaining have a budget sufficient for part-time staff. Unfortunately, Maine has fallen behind.

The Maine Council has received approximately \$2,200 each year. Due to the large geographical area of this State, most of this money has been allocated to travel expenses for Council members to attend meetings. It has been impossible for the Maine Council to hire staff even on a part-time basis. Consequently and obviously, the work of the Council has been severely restricted. It is only through outstanding voluntary efforts on the part of many Council members that the Annual Governor's Conference has been held, and the Biennial Study and Report of the Governor has been published.

The Governor of the State of Maine has written a letter to members of the State

Government Committee, and I will share it with you. But first, I would like to respond to the remarks from the gentleman from Kennebunk, Mr. McMahon, and members of the House. You realize, of course, that although Maine has voted for the ERA, no legal consequences flow from this act until two thirds of the states have ratified.

The purpose of L.D. 2300, An Act Creating a Permanent Governor's Advisory Council On The Status of Women is to strengthen the Council and to promote opportunities available to women in Maine. Consequently, as sponsor of this measure, I think it is time for this legislature to make the Council part of the permanent statutes and to provide them with a budget sufficient to hire staff for the Council. This Council would be located in the Executive Department, similar to the Human Rights Commission, Indian Affairs, and other special interest groups, such as the aged. I do not believe that this is an issue concerning women, women's soul voted up or down. It is a concern regarding the social, economic, political and legal impact of 51 percent of Maine's population on our laws, our social progress, and the status of these individuals.

I ask you to vote against the pending motion of indefinite postponement.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: Briefly, I just wish to repeat — my arguments are not political or emotional, but rather philosophical. I truly believe in the Equal Rights Amendment; I voted for it. I do not believe that you can correct one discrimination by creating another. As a man, I wish to be treated equally, and my concern should be as important as those of women. Therefore, I hope the House supports my motion to indefinitely postpone this bill.

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

Mr. DONAGHY: I rise to support the gentleman from Kennebunk, Mr. McMahon. I would ask the good lady from Freeport, through the Chair, if she feels that women are not human beings? Because we have a Human Rights Com-

mission, I can see no reason to start anything else along this line. It is simply a waste of state money. Surely, most of us feel that if women have any special problems, they can take them up with the Human Rights Commission.

The SPEAKER: The Chair recognizes the gentlelady from Union, Mrs. McCormick.

Mrs. McCORMICK: Mr. Speaker and Members of the House: I agree wholeheartedly with the Representative from Nobleboro, Mr. Palmer. The majority of this body voted for ERA, and now those women who were asking for that are also asking for this measure. This is just a political forum financed by the taxpayers, and I also support the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentlelady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Members of the House: Women are indeed human beings. But the Governor's Advisory Council On the Status of Women is concerned with the social, economic and political changes which have occurred due to the increased consciousness by and about women, and many of these are known and too numerous to enumerate here today.

However, among the most important chores and responsibilities and duties of the Governor's Advisory Council on the Status of Women are the federal and state statutes which make sex discrimination illegal under the Civil Rights Act. The Governor's Advisory Council has responsibilities relating to these changes which are occurring. And, generally, the Council is required to do some research on the status of women in Maine and to recommend in some instances action programs. We have a subcommittee on the Governor's Advisory Council which is concerned with the impact of the ERA on Maine's statutes.

Professor Judy Potter from the University of Maine Law School in Portland, a member of the Governor's Advisory Council, has worked long and hard and has done a preliminary study regarding the impact of the ERA on statutes which involve human beings, men and women, in our state. That is simply one aspect of the workings of this Council.

Another one is the talent bank regarding the employment and the promotions of boards, commissions, panels and positions of women throughout our state. The need for that talent bank is amply justified by the report of the Maine State Advisory Committee to the U.S. Commission on Civil Rights issued by the Honorable Harvey Johnson, Chairman of the Governor's Executive Council, and I would refer members of this body to that report.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunk, Mr. McMahon, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

86 having voted in the affirmative and 34 having voted in the negative, the motion did prevail.

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

Mr. McMAHON: Mr. Speaker, I wish to move reconsideration and hope you will vote against me.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of that motion will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Joint Order (H. P. 1934) Amending Joint Rule Number 1

Tabled — February 4, by Mr. Simpson of Standish

Pending — Passage

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: I would move that we withdraw this Joint Order, and I would like to speak very briefly.

I would like to have this order withdrawn because I intend to have a new order drafted. It would call for a Joint Select Committee on Energy with some specific tasks. I hope that we might

consider the feasibility of this idea and openly debate it at the time it is presented.

Thereupon, the Joint Order was withdrawn.

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

Bill "An Act Providing Funds for Spruce Budworm Control and Surveys" (H. P. 1684) (L. D. 2077) (C. "A" H-650) Emergency

Tabled — February 4, by Mr. Martin of Eagle Lake

Pending Passage to be enacted. (Roll Call Ordered)

On motion of Mr. Simpson of Standish, retabled pending passage to be enacted and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.