

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Friday, February 8, 1974

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

Opening Ceremony by the Eagle Scouts representing District No. 4 of the Kennebec Valley Pine Tree Council.

Prayer by Michael Carrie of the Pine Tree Council.

The journal of yesterday was read and approved.

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Joint Order: (S. P. 896)

WHEREAS, the Maine Management and Cost Survey has recommended that the schools in the unorganized territory be closed; and

WHEREAS, the survey further recommends that the 425 presently enrolled pupils be transported and tuitioned to schools in organized units; and

WHEREAS, the Governor of Maine has recommended further study of this proposal; now, therefore, be it

ORDERED, the House concurring, that the Maine Education Council is hereby directed to review the advisability and implications of such an action and to make recommendations on this subject to the 107th Legislature; and be it further

ORDERED, that a copy of this order be transmitted forthwith to said Council following passage in concurrence.

Came from the Senate read and passed.

In the House, the Joint Order was read.

(On motion of Mr. Simpson of Standish, tabled pending passage in concurrence and specially assigned for Tuesday, February 12.)

Tabled and Assigned

From the Senate; The following Joint Order (S. P. 897)

WHEREAS, the metric system is a decimal system of weights and measures based on the meter and the kilogram which is widely used throughout the world; and

WHEREAS, it is the public policy of this Nation to make a gradual change to the metric system; and

WHEREAS, Maine's public schools will perform an important function in educating present and future generations to learn to live with this new system; now, therefore, be it

ORDERED, the House concurring, that the Maine Education Council is requested to review on-going programs of instruction in the metric system presently in use in Maine schools and report to the 107th Legislature the adequacy of current instructional programs in light of our national metric goals; and be it further

ORDERED, that a copy of this order be transmitted forthwith to said Council following passage in concurrence.

Came from the Senate read and passed.

In the House, the Joint Order was read.

(On motion of Mr. Birt of East Millinocket, tabled pending passage in concurrence and specially assigned for Tuesday, February 12.)

Tabled and Assigned

From the Senate: The following Joint Order: (S. P. 898)

WHEREAS, tax support for Maine students attending the University of Vermont Medical School and Tufts Dental School has reached substantial proportions; and

WHEREAS, the Legislature has authorized a small loan program for the training of osteopaths; and

WHEREAS, the purpose of these programs was primarily to improve the delivery of medical and dental services to Maine people; and

WHEREAS, the Massachusetts College of Optometry, following the lead of other institutions, may soon refuse to admit students from states without a contractual relationship with the institution, effectively barring Maine students from this professional opportunity; now, therefore, be it

ORDERED, the House concurring, that the Maine Delegation to the New England Board of Higher Education is directed to review ongoing programs and to make recommendations to the 107th Legislature concerning any

changes or additions to these programs which might seem to make maximum utilization of Maine tax dollars while giving the best possible prospects for improving health services; and be it further

ORDERED, that a copy of this Order be transmitted forthwith to said Maine Delegation as notice of this directive.

Came from the Senate read and passed.

In the House, the Joint Order was read.

(On motion of Mr. Birt of East Millinocket, tabled pending passage in concurrence and specially assigned for Tuesday, February 12.)

Reports of Committees Ought Not to Pass

Report of the Committee on Business Legislation on Bill "An Act to Repeal the Statute Allowing Contractors to Substitute Securities for Cash Retainers" (S. P. 837) (L. D. 2378) reporting "Ought not to pass"

Report of the Committee on State Government reporting same on Bill "An Act Creating a Cultural Commission to Act in an Advisory Capacity to the Commissioner of Educational and Cultural Services" (S. P. 857) (L. D. 2426)

Report of same Committee reporting same on Bill "An Act Abolishing the Maine State Commission on the Arts and Humanities" (S. P. 858) (L. D. 2427)

Report of same Committee reporting same on Bill "An Act Repealing Legislation Stipulating Departmental Organization of the Department of Educational and Cultural Services" (S. P. 859) (L. D. 2428)

Report of same Committee reporting same on Bill "An Act Dispersing the General Loan and Reference Collection of the Maine State Library to Public and University Libraries" (S. P. 860) (L. D. 2429)

Report of same Committee reporting same on Bill "An Act Delegating Program Approval and Policy Setting Authority for Operations of the State Museum and Arts and Humanities Bureaus to Commissioner of Educational and Cultural Services" (S. P. 861) (L. D. 2430)

Report of same Committee reporting

same on Bill "An Act Abolishing the State Museum Commission" (S. P. 862) (L. D. 2431)

Report of same Committee reporting same on Bill "An Act Abolishing the Maine State Archives and Redistributing its Functions" (S. P. 866) (L. D. 2434)

Report of same Committee reporting same on Bill "An Act Combining the Maine Historic Commission and the State Museum Bureau" (S. P. 876) (L. D. 2439)

Report of the Committee on Health and Institutional Services on Bill "An Act Relating to the Advertising of Drug Prices" (S. P. 739) (L. D. 2151) reporting "Ought not to pass" as covered by other legislation.

In accordance with Joint Rule 17-A, were placed in the legislative files.

Leave to Withdraw

Report of the Committee on Education on Bill "An Act Discontinuing Operation of Schooling for Children in the Unorganized Territory Schools" (S. P. 850) (L. D. 2418) reporting "Leave to withdraw"

Came from the Senate with the Report read and accepted.

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

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Clarify the Real Estate Subdivision Law" (S. P. 789) (L. D. 2272) reporting "Ought to pass" in New Draft (S. P. 890) (L. D. 2485) under same title.

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

Referred to 107th Legislature

Committee on Transportation on Resolve to Fund the Work Measurement Study for the Motor Vehicle Division (S. P. 843) (L. D. 2384) reporting that it be referred to the 107th Legislature.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence and the Resolve referred to the 107th Legislature in concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Lowering the Maximum Age of Juvenile Offenders" (S. P. 713) (L. D. 2125) reporting "Ought to pass" as amended by Committee Amendment "A" (S-339).

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
— of the Senate.

Mrs. BAKER of Orrington
WHEELER of Portland
KILROY of Portland
WHITE of Guilford

Messrs. CARRIER of Westbrook
PERKINS of South Portland
GAUTHIER of Sanford

— of the House.

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

Report was signed by the following members:

Messrs. McKERNAN of Bangor
DUNLEAVY of Presque Isle
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-339) as amended by Senate Amendment "A" (S-336) thereto.

In the House: Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move that the House accept the Majority "Ought to pass" as amended Report.

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

Mr. MARTIN: Mr. Speaker, I move that this Bill and all accompanying papers be indefinitely postponed and would speak briefly.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of this Bill and

all accompanying papers in non-concurrence.

The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill now carries with it not only a committee amendment but also an amendment that has been adopted in the other body. This now provides for placing people in jail for being truant.

I happen to be a school teacher by profession, and this is not the way to try to solve the problem of trying to keep students in schools. There is no question that we have had problems in the school systems since this law has gone, but don't feel that by trying to put the law back on the books it is going to change the situation.

The problem with school districts and school students is not one restricted to the State of Maine. It is a universal problem. It is the type of thing that somehow we have to try to resolve without trying to throw students in jails or women's correctional centers or boy's training centers or Stevens School for Girls.

It is true that there are a number of people who would like to see this bill go through so we could continue to increase the number at Stevens School and also increase the number at the Boy's Training Center. You might be interested to know that if you were to break down the per girl cost at Stevens right now, each girl is costing the State of Maine somewhere around \$78,000 dollars per girl per year. Pretty good figure, isn't it? And if you take the amount of money that is being spent at the Boy's Training Center and you divide that by the staff of the Boy's Training Center, there are about 100 boys at this training center right now, the budget for the coming year is somewhere around \$2.5 million with 223 state employees. That means roughly two and a quarter state employees for each boy in the training center or somewhere around \$25,000 per boy per year. That means that we could hire a family, mother, father, for a full year, pay their salary to stay home with one boy, and I can assure you the results would be much better.

I think we are going to turn the corner with this problem in Maine if we want to turn the corner. The way to handle this

problem when you have an individual who doesn't want to stay at home and he wants to run away is to find foster homes for them, it is not to throw them in the Boy's Training Center or the Stevens School for Girls.

If we can use some of the monies that are being spent now in those two institutions, then we can make a go of it. But simply to put back a law because a couple people are upset, I don't think it is the proper approach.

I fully understand the problems that certain cities are having — I really understand that. But I do not believe that this law is going to help that situation. So I would ask you today to vote for indefinite postponement of this bill and all of its accompanying papers.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I take to heart all that the good gentleman from Eagle Lake, Representative Martin, told us a few minutes ago concerning this bill. However, I think some clarification needs to be made. First of all, the motion that was made by Representative Baker was to accept the Majority "Ought to pass" Report as amended by Committee Amendment "A". You will note, if you have your amendments before you, that Senate Amendment has not yet been placed before us for acceptance, as I understand this. The Senate Amendment is the one that involves the truancy question. That was brought before the Judiciary Committee, the Judiciary Committee refused, absolutely, to add that to this bill.

The primary bill deals with lowering the age of the juvenile offender from the age of 18, which we in the regular session passed to 17, back to what it was prior to the regular session, and I must admit that I was on the committee that heard the bill, and I voted to increase that juvenile age from 17 to 18 because it seemed a very logical thing to do. After all, the 18-year-old, he becomes an adult for all civil contractual purposes and why shouldn't he likewise be treated the same in terms of criminal conduct, and I truthfully believe that.

There is a large distinction between criminal activity and civil activity, and

unfortunately we have seen, because of the passage of that bill which I supported, a great deal of havoc in the district court system, primarily because the juvenile delinquent between 17 and 18 has no place to go in terms of misdemeanor conduct, misdemeanor conduct which would ordinarily, if he were an adult, he could be subject to confinement in the county jail for 30 days if necessary. He could be sent to the Men's Correctional Center up to 11 months, and for this reason, he has no place to go between 17 and 18 because you cannot send him to the Boy's Training Center if he commits a misdemeanor. Only can you not send him there, it is probably just as well we don't send him there, since I will tell you right now, the 17-year-old I represented Monday stands taller than I, is wider than I, and I am sure I wouldn't want him over there with 12-year-olds, not that he would do them any harm, necessarily, I just don't think it is a good place for him.

I was very concerned, and truthfully, when we had this come before the committee my first impression was, we haven't let that law last long enough to really understand whether it will or will not work. So I made a point of checking with the district court judges to see what their feelings were in respect to it, and in every case they indicated that we should lower it back to 17 years. I said, "Won't this increase your paper work?" They said, "Don't worry about that. If we had our way," one of them told me, "we would reduce it back to 16, because we would like to be able to work with and treat the true juvenile, the one who is 12, 13 and 14, and when they reach the age of 16, the criminal conduct that a lot of them are conducting, it is such that it really is a crime on the part of society to let them stand there and laugh in your face because they know there is nothing you can do."

I had another young man who was between the 17 and 18-year-old age. There was a petition to his parents to have him brought in on a juvenile delinquency matter, and he absolutely refused to appear. In fact, his parents encouraged him not to appear and there was absolutely nothing they could do, because you can't take these kids, and

kids they are, down to the jail. You can't take them to the Boy's Training Center, you can't take them anywhere. So I would hope that you would accept the Majority "Ought to pass" Report with the Committee Amendment. It has nothing to do with the truancy problem. I would also, when we get to that point of acting upon the Senate Amendment "A", ask that you not support the inclusion of truancy as a crime, which is another matter which we took care of during the regular session.

I am in agreement with Representative Martin in respect to the truancy problem, as the majority of this committee is. So I do hope that you will not support the motion to indefinitely postpone, and we will get to the point of Senate Amendment "A".

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

Mr. FARLEY: Mr. Speaker and Members of the House: I got a telephone call two nights ago in regard to this bill here. I was in a hurry, and I told him I would get back to him over the weekend. I didn't realize it would be on the calendar this soon. I wish somebody would make a motion to table this.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, I make a motion we table it for one day.

Thereupon, Mr. Shaw of Chelsea requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Old Orchard Beach, Mrs. Morin, that this Bill be tabled pending the motion of Mr. Martin of Eagle Lake to indefinitely postpone in non-concurrence and specially assigned for Monday, February 11. All in favor of tabling one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act to Repeal Certain Due Process of Law Provisions

by Governmental Agencies" (S. P. 717) (L. D. 2129) reporting "Ought to pass" as amended by Committee Amendment "A" (S-341)

Report was signed by the following members:

Mr. TANOUS of Penobscot
— of the Senate.

Mrs. BAKER of Orrington
WHITE of Guilford
WHEELER of Portland
KILROY of Portland

Messrs. CARRIER of Westbrook
GAUTHIER of Sanford
— of the House.

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

Report was signed by the following members:

Messrs. PERKINS of South Portland
McKERNAN of Bangor
— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-341)

In the House: Reports were read.

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

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

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the House accept the Majority "Ought to pass" Report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill repeals one of my little gems I had during the regular session. The bill that I introduced during the regular session and which this, as I understand it, would pretty well do the job of killing, was passed by this body in a pretty substantial vote. The purpose, as I remember it and you may remember it was to try to make sure that decisions arrived at by governmental agencies could be in writing and could be available to you if you were denied what you considered your due process. It is my understanding that this particular bill would pretty well destroy that.

I would pose a question to the

gentle lady from Orrington, Mrs. Baker, as to what this bill would do on the bill that we enacted during the regular session of the legislature.

Thereupon, on motion of Mr. McKernan of Bangor, tabled pending the motion of Mrs. Baker of Orrington to accept the Majority "Ought to pass" Report in concurrence and specially assigned for Tuesday, February 12.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act to Clarify Election Procedure Respecting Jury Trials in Misdemeanor Proceedings" (S. P. 751) (L. D. 2161) reporting "Ought not to pass"

Report was signed by the following members:

Mrs. BAKER of Orrington
 WHITE of Guilford
 WHEELER of Portland
 KILROY of Portland
 Messrs. PERKINS of South Portland
 McKERNAN of Bangor
 GAUTHIER of Sanford
 CARRIER of Westbrook

— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-340).

Report was signed by the following members:

Mr. TANOUS of Penobscot
 — of the Senate.
 Mr. DUNLEAVY of Presque Isle
 — of the House.

Came from the Senate with the Minority Report accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-340).

In the House: Reports were read.

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

Mr. McKERNAN: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

Thereupon, on motion of Mrs. Wheeler of Portland, tabled pending the motion of Mr. McKernan of Bangor to accept the Majority "Ought not to pass" Report in non-concurrence and specially assigned for Tuesday, February 12.

Non-Concurrent Matter

Bill "An Act to Clarify Certain Municipal Laws" (H. P. 1920) (L. D. 2452) (H. "A" H-656) (H. "B" H-658) which was enacted in the House on February 6.

Came from the Senate with the Bill passed to be engrossed as amended by House Amendment "A" (H-656); House Amendment "B" (H-658) and Senate Amendment "A" (S-343) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974" (S. P. 834) (L. D. 2366) Emergency which was enacted in the House on January 30.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-344) in non-concurrence.

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

Petitions, Bills and Resolves Requiring Reference

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

Taxation

Bill "An Act Amending the Elderly Householders Tax and Rent Refund Act to Improve Benefits to their Previous Level" (H. P. 1958) (Presented by Mr. Silverman of Calais)

(Ordered Printed)

Sent up for concurrence.

Orders

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

Mr. SMITH: Mr. Speaker, is the House in possession of Legislative Document 2486?

The SPEAKER: The Chair would answer in the affirmative. Bill "An Act to Prohibit Executive Sessions in Public Proceedings," Senate Paper 790, L. D. 2273, is in the possession of the House.

Mr. SMITH: Mr. Speaker, I move we

reconsider our action whereby we accepted the "Ought not to pass" Report in concurrence.

The SPEAKER: The gentleman from Exeter, Mr. Smith, moves the House reconsider its action of yesterday whereby it accepted the Majority "Ought not to pass" Report in concurrence.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This bill was on our calendar yesterday, and if I recall right, this is one regarding opening the doors to any rights that we would have. It was in the other body a couple days ago and they indefinitely postponed it. —

The SPEAKER: The speaker should not make reference to the other body in an effort to sway votes in this body.

Mr. CARRIER: I don't wish to depend on them to sway the votes of the people of this House, but I wish to say that a couple days ago this bill came to us after having been rejected. Yesterday, we also went along to accept the "Ought not to pass" Report.

I signed the "Ought not to pass" Report, and I signed it with the belief, the true belief, and I still believe that way, that this was not a good bill; I don't think it is. I look at it as the invasion of my privacy in having sessions in which certain people will be discussed. And some people will say, "Well, there is an exception made in the bill as far as personal things and all that." Well, I don't agree with that — I think everybody is entitled to privacy. I think that this would expand itself to businesses, and I think we have enough trouble with the media reporting the news correctly, and I think that all in all this bill is not a good bill. I think that the majority report was "ought not to pass" and I hope that you give it good consideration, because once you open the door, you will have a hard time to close it. And this is just a matter of terminology, because the door in most cases of executive sessions are open, against my wishes, but they are still open.

I think we should retain the right to have our executive sessions in private, because some of the material that might come out, I think that it could be

injurious to people, you could stand to get sued, and I truly cannot buy the philosophy. So I hope that you vote against reconsideration.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I believe my seatmate is wrong when he reports that it was a Majority "Ought not to pass." I believe there were only three that signed the "Ought not to pass" Report.

This is a very simple and a very good bill and something we need. It does not apply simply to legislative hearings. This applies to all executive sessions at every level of government. And if there is anything we need today, it is openness in government. Certainly there are enough problems with secrecy in public proceedings so that we should do everything we can to open these meetings up.

We have a statute on the books, Title 1, Section 401, which states that public policy of the State of Maine is that public proceedings shall be open to the people. However, in Section 404, then we allow the closing of the door by allowing that public body to hold an executive session. This bill merely helps give guidance to the committee in question as to when they can call an executive session. It lists seven criteria in which they can call an executive session. I think this is useful, especially on the municipal level, because I know towns in my area that have problems, they go into executive sessions, they are not sure that they really should be, and especially some of the press and some of the people think that they should not be in them. This bill would help them, because it gives them the criteria on which they could judge whether or not they can hold an executive session.

I think we need openness in government. I don't think anybody can deny this, and I do hope that you will go along with the "Ought to pass" Report.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to call your attention to the fact that this is a new draft, and basically what the new draft does is say that by a

majority vote of the members of either a legislative or administrative body, executive sessions may be closed only in certain instances. I think that although there are seven instances, it basically comes down to three areas, and that is when personnel matters that would be either embarrassing to the personnel involved or would be at least a touchy subject, they can vote to close the meeting, or if it deals with contractual matters in which the body is involved in, such as collective bargaining, for instance, and also if they are discussing matters which pertain to items that either are or may become involved in litigation. So we have put in specific guidelines in the bill, and obviously if you look at the Majority "Ought to pass" Report, it made it a lot more palatable to people who originally were against the bill that was first introduced, and also you will see that there are signatures on this bill, "ought to pass," who voted against the previous orders that have been involved at the beginning of this special session both in the Senate and in the House.

I think that what we have done is said that matters that don't need to be confined to closed executive sessions should be open to the public. Now, under the present law, you can vote to close any session that you want by a majority vote of the members of any body. Under this bill you could only do it in instances of the three that I have mentioned. So I would hope, the fact that this was not debated yesterday, that you would change your vote after hearing at least the majority side.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the reconsideration of this matter of opening executive sessions to the public and/or to the news media is setting a very very dangerous practice.

I have served on committees; I have served as chairman of committees. We have had executive sessions, and in those executive sessions are when we the members of a committee or an organization let our hair down, so to speak. We discuss with every bit of candor that we can the merits of the

subject matter which is under discussion, and it is through that method that we arrive at a conclusion which can be presented to the organization or to the legislative body, as the case may be. If we are going to open up all of our sessions to the public or to the news media, we are not going to have the open candor which the members of the committees now have, and I fear that it will impede the process and the true and frank consideration of the subject matter which is under discussion.

Another thing which bothers me is that if we have these open sessions, there is going to be a closed session somewhere along the way, so that when you go into the so-called open executive sessions, the matter is going to be cut and dried before the thing is ever discussed.

Something else that must be considered, when you have open executive sessions, as this matter would commit, what kind of reporting, rather it be by those of the public who are listening or the news media who are there to observe, are you going to have the full and complete report, the discussion by the members of the committee, or are you going to have only excerpts from the full discussion that is going to be revealed to the public and they in turn are going to formulate an opinion which may be very definitely contrary to what the end results of the session may be? I look with a great deal of fear and trepidation on such a piece of legislation, that it is going to infringe upon the private rights of every one of us. I do not believe that in the State of Maine we need any such piece of legislation as this.

I have travelled over the country. I have been to a great many legislative conferences. I have seen and heard some of the things which go on in other states, and I come home and I report to my wife, and I report to my colleagues, and I report to my constituents that the politics in the State of Maine is clean, and I emphasize "clean." We have had executive sessions over the years. We are clean today, and I believe that we can continue to have executive sessions and that we can continue to be clean with the type of people that we have that are representing the people in the State of

Maine both on the local, the state and the federal level. I certainly hope that you will reject this piece of legislation.

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

Mr. NORRIS: Mr. Speaker, may I request that the Clerk read the committee report on this piece of legislation?

Thereupon, the Report was read by the Clerk.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have given this some thought. I have searched my conscience, and we have up in Appropriations invited members of the press if they wanted to come in when we were deliberating. They usually don't stay very long because the matters are very diverse and confusing, but I don't see any harm in this bill the way it is written. So, Mr. Speaker, when the vote is taken, I would ask it be taken by the yeas and nays.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I signed the Minority Report because it was brought out by our committee in executive session and also when the reporters came. On one or two occasions the reporters came into our executive sessions, and we told them that anytime they wanted to come in, as long as we felt that there was nothing that we wanted to take up by ourselves in — you know, sometimes you can't always have someone in when something is very very important, but it has never been closed to the reporters, and they have been informed that when they do want to come in, they are welcome unless the committee decides otherwise.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: Very unofficially, I would like to stand here on my own and point out a few things to you, I guess. I have given a lot of thought to this particular bill, and I have before me Title 1, Sections 401, 402, 403, and it states here in 401 that the legislature finds and

declares that public proceedings exist to aid in the conduct of the people's business and that it is the intent of the legislature that their actions be taken openly and that their deliberations be conducted openly.

Then it goes on down through here and it states that public proceedings shall mean the transactions of any functions affecting any or all citizens of the state by any administrative or legislative body of the state or of any of its counties or municipalities or of any other political subdivision of the state, which body is composed of three or more members, with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency.

Then we are going to get over here to this section 404 where we want to talk about an amendment. And we talk about that the majority of the people of any of that particular group may vote present, if they are present, only for the purposes of discussing certain things. So they are limited right off quick what they can do. The very first one says, "only if it affects the reputation." I would like to have somebody tell me what the word reputation means.

We have a situation right now where we had a little meeting the other day with the leadership, the Joint Committee on Institutional Services, department heads and so forth, which was at that time open. It is my intention next time around to have that meeting closed, because I don't think that it affects the reputation of some people, but I think it affects some people who are in our institutions who will probably be brought to the forefront in that thing. As I read this thing right here, that meeting would have to be open and these people discussed, because I don't see that as a reputation problem. I see it as a private problem within them as to where they are and what they are doing and how they conduct their affairs.

Number five in this thing talks about collective bargaining with its employees. If we are going to sit here as a legislative body and talk about how things are affected, why shouldn't sessions involving collective bargaining with employees be open to the public?

As we look at the administrative

agencies, as defined, I would ask every time the Governor, being the administrative officer of this state, has more than two people in his office down here to discuss administrative policy, would that not have to be a public meeting and open to the public and so declared? I would also state that if all the department heads in this state got together to establish policy or discuss business and there are three of them in that room, is that not an administrative agency and should that not be a public meeting and open minutes taken and then made available to us?

I personally happen to believe that we do have a good system and it is working and it is working fine. One day I closed my caucus, and I had the press land on top of me, at least one member of the press land on top of me for closing my caucus. I told him I thought if I wanted to be in my own house and I wanted to go in the kitchen and have a little feud with my wife, I ought to have that opportunity to do it and I didn't need the press on my back to find out whether I was right or whether I was wrong. I feel the same way about my caucuses. If all of a sudden we want to close our caucuses because we want to discuss something privately, and we have some people that want to talk about something that has nothing to do with this whatsoever, then I feel that we should have that right. In this we are going to lose that particular right. There is no doubt about it, you will lose that right.

I invited the gentleman afterwards to take a tour of the State House, and I asked him if he had ever tried to get into some of our executive sessions. In fact, I hate to call them executive sessions, I would like to call them working sessions, but I asked him if he had ever really tried to get in. If he had, I doubt if many of them would throw him out. I think you saw an article in the Sunday Telegram one day to the effect that he did go into some of your working sessions and he found that he was wanted. I would ask you how many times he has been back since. Since the time that he asked about our open caucuses, I don't know as he has been in our particular caucus since. He is certainly welcome anytime we have an open caucus.

But this is a fact. When we go into

these working sessions, we should be able to go into them to get the work done. They talk about the lobbyists. If you open your working sessions up, you should be entitled to invite them in. The Appropriations Committee has made it a policy that if it invited any department head in or anybody in to a working session, they would invite anybody else. But if you open them up and you as legislators sit in those executive sessions or working sessions and start to talk about amendments and so forth, your lobby is going to be sitting right there, and the next thing you know they are going to be out before you can even get the amendment to start working on the particular bills.

I think we have a good system. I don't believe we need this particular legislation to make that system any better.

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

Mr. DYAR: Mr. Speaker and Members of the House: I am sort of confused how I am going to vote on this reconsideration right now. I was going to vote against.

I would like to discuss the so-called Sunshine Law in Colorado, which was passed in their last regular session which their Attorney General has passed an opinion on that when two legislators meet, whether it be in the men's room or a restaurant to discuss a bill before their committee, they have to give and advertise a notice of that meeting. I hope we never get to that point in the State of Maine.

The gentleman from Standish, Mr. Simpson, has mentioned a meeting held last Tuesday afternoon which was an open meeting. I will serve notice here and now that if my committee is called to another such meeting and it is not open, I shall personally not attend and I will not require any member of my committee to attend. If we do attend, it will be purely on a voluntary basis and not on a committee basis.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you weren't taken along the tangent that the gentleman from Standish, Mr. Simpson, tried to leave you. We aren't talking

about the Governor and two people at a table. We are not talking about the gentleman and his wife having a feud; what we are talking about are bodies that discuss public business, our business, your business, and the right of the people to know what they are talking about. It is that simple. We have a policy that says, "Public proceedings shall be open," and then we allow that to be closed. I say that we should change that. We should live up to our policy. We should make public proceedings open to the public.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind the gentleman from Exeter that I would say this is an executive session right here. We go through them every single day. We do have a legislative process where we hear bills. We go into what Mr. Simpson describes as a working session, then we sign the bills out either unanimous or divided. I have always been one that didn't mind standing up and stating what decision I came to in signing out a report.

We have executive sessions now right here. The press is here. We have a balcony for the audience that is here. This plays on the people's hearts to some degree and I never liked this type of legislation, because people that are usually the proponents are inferring that we or some of us who oppose it have something to hide and that we don't want to discuss it. That is entirely not true, because that is why we have our chairs here, the mikes here and the opportunity to declare ourselves in our positions.

I hope the House does not reconsider this bill.

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

Mrs. BAKER: Mr. Speaker and Members of the House: As a signer of the minority report, I would simply like to say that I don't think we put laws on the books just because they would not do any harm. I think that we are here in a serious undertaking to protect the people of this state and do what is best for them.

And it doesn't seem to me that as members of the legislature that we have done anything to harm the people. In fact, I think we are protecting the people when we have our executive sessions.

Sometimes it comes around that you want to ask a question, and maybe you don't want to show your ignorance before the whole public, you want more information on something. I think that we need some freedom in executive sessions. I don't think that we do it to hide anything that is wrong, and if it is a divided report, when it comes out of committee it is a matter of record which side you have been on. I just don't think we need this type of legislation.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: This happens to be a coincidence. Last night I was looking in an encyclopedia and it said, "your reputation is what someone thinks about you, but your character is what you really are." It was asked what your reputation is, and I think the encyclopedia defines. I hope you will go along with the gentleman from Standish.

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 Exeter, Mr. Smith, that the House reconsider its action of yesterday whereby it accepted the Minority "Ought not to pass" Report in concurrence. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, P. P.; Boudreau, Briggs, Brown, Carter, Chonko, Clark, Connolly, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Emery, D. F.; Faucher, Goodwin, H.; Goodwin, K.; Greenlaw, Huber, Jacques, Jalbert, LeBlanc, Lynch, Martin, Maxwell, McHenry, McKernan,

McMahon, McTeague, Morin, V.; Morton, Murray, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Rolde, Smith, D. M.; Smith, S.; Soulas, Sproul, Stillings, Talbot, Tierney, Tyndale, Wheeler, Whitzell, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Bustin, Cameron, Carey, Carrier, Chick, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Dam, Davis, Deshaies, Dudley, Dunn, Dyar, Evans, Farley, Farnham, Farrington, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, Mahany, McCormick, McNally, Merrill, Mills, Morin, L.; Mulkern, Murchison, Najarian, Parks, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Strout, Theriault, Trask, Twitchell, Walker, Willard, The Speaker.

ABSENT — Churchill, Donaghy, Dunleavy, Fecteau, Ferris, Gahagan, Hamblen, Hancock, Hobbins, LaCharite, LaPointe, Maddox, Santoro, Sheltra, Susi, Tanguay, Trumbull, Webber, White.

Yes, 50; No, 82; Absent, 18.

The SPEAKER: Fifty having voted in the affirmative and eighty-two in the negative, with eighteen being absent, the motion does not prevail.

House Reports of Committees

Ought Not to Pass

Mr. Carrier from Committee on Judiciary on Bill "An Act Relating to Medical Treatment of Persons at State-operated Facilities" (H. P. 1762) (L. D. 2230) reporting "Ought not to pass"

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

Ought to Pass with Committee Amendment

Mr. Finemore from the Committee on Taxation on Bill "An Act to Clarify Certain Property Tax Statutes" (H. P. 1796) (L. D. 2276) reporting "Ought to

pass" as amended by Committee Amendment "A".

The Report was read and accepted and the Bill read once. Committee Amendment "A" (H-674) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Ought to Pass in New Draft New Drafts Printed

Mr. Gauthier from Committee on Judiciary on Bill "An Act Relating to Certified Copy of Regulations Promulgated by Commissioner of Inland Fisheries and Game as Evidence" (H. P. 1696) (L. D. 2089) reporting "Ought to pass" in New Draft (H. P. 1954) (L. D. 2489) under same title.

Mr. Donaghy from Committee on Business Legislation on Bill "An Act Relating to Failure to File Annual Reports of Corporations" (H. P. 1881) (L. D. 2391) reporting "Ought to pass" in New Draft (H. P. 1959) (L. D. 2493) under same title.

Mr. Herrick from Committee on Natural Resources on Bill "An Act Clarifying the Provisions of the Waste Water Construction Grant Program and Waste Water Pollution Control Planning Program" (H. P. 1713) (L. D. 2106) reporting "Ought to pass" in New Draft (H. P. 1960) (L. D. 2499) under same title.

Mrs. Baker from Committee on Judiciary on Bill "An Act Relating to Damages for Violating the Bulldozing of Rivers, Streams and Brooks Law" (H. P. 1820) (L. D. 2307) reporting "Ought to pass" in New Draft (H. P. 1955) (L. D. 2490) under new title "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks"

Reports were read and accepted, the New Drafts read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of Committee on Judiciary on Bill "An Act Relating to Nullification of Criminal Records" (H. P. 1725) (L. D. 2169) reporting "Ought to pass" in New Draft (H. P. 1956) (L. D. 2491) under same title.

Report was signed by the following members:

Messrs. TANOUS of Penobscot

SPEERS of Kennebec
— of the Senate.

Mrs. WHITE of Guilford
WHEELER of Portland
KILROY of Portland

Messrs. PERKINS of South Portland
DUNLEAVY of Presque Isle
McKERNAN of Bangor
GAUTHIER of Sanford
— of the House.

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

Report was signed by the following members:

Mrs. BAKER of Orrington
Mr. CARRIER of Westbrook
— of the House.

Reports were read.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: This bill relates to the one that follows this report. To a degree, they both read the same. This bill deals with expungement of records concerning pardoned individuals. And the next one deals with expungement of records of persons picked up for a criminal offense and the case is dismissed or the matter filed.

We of the committee, the majority on the committee, felt quite strongly — in fact, I was rather surprised to learn that when one receives a pardon, a full pardon before the Governor and Council, and that is after a complete investigation made on the individual, after publication in a newspaper for four consecutive weeks in the county which the individual resides where the public has an opportunity to be heard and make its feelings known, that the individual does not have in effect a full pardon. A full pardon to me, that means I have no further commitment in terms of my sentence, and that my records in terms of my past are clean. It doesn't mean that as a matter of fact my life has changed; it doesn't mean as a matter of fact that I as an individual will not live with whatever has happened in my past. However, if I go to seek a job, I am under the impression and have always been under the impression that if the person was pardoned that he could truthfully

say that he was not convicted of an offense, he did not have any conviction in his past. I have since learned that that is not the case.

Here again, I represented an individual who was working as a border guard for the Immigration Service who was picked up for, he was fishing in a place where he wasn't supposed to be and he was convicted of the offense. Actually, he went in, pleaded guilty to the charge thinking it was a minor offense and paid a \$20 fine.

He was informed by the U.S. Immigration Service that he could only return to his position if he had a full pardon, that they would not accept him in that position so long as he had that conviction. I represented him before the Governor and Council and he was granted a pardon. Again, what the man had to go through in terms of getting that pardon was much more in terms of expense and a full opening of his entire past than he had ever had done before.

We have the Council for that very purpose, to be able to view the life of the individual, be able to view the community in which he lives, be able to view his future in terms of whether or not he may become a productive member of society. The fact is, when they grant that full pardon, they have determined that he is fully rehabilitated and should be returned to society.

I sincerely hope you do not accept the Minority "Ought not to pass" Report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Apparently in conjunction with some of the discussion which we had yesterday, I think starting today that I will have to start working to earn my money over here, because we are now embarking into an area that will involve society and the people that live in it.

I think it is wise to make it clear at the offset that none of the approximately six bills which we will consider on penal reform or whatever you want to call it are of emergency nature. I don't believe they should have been here at all. They were here in the last session. We passed them; the record will show we rejected

them in the last session in order to make a study of it.

Well I didn't agree to the study and I assume that by rejecting it apparently somebody believed that there would be a study made. Well, this is true. But my understanding was the study was to be made by the members of the Judiciary Committee on these particular bills.

However, the Governor chose to put a commission and threw us out in order to put somebody on there to actually study this thing. I don't mind who is being put on a commission, and I have no personal objection to anyone that is on there, but I can only say to you that if you want certain results from a study or a commission, all you have to do is choose the right people and put them on there and you will get that result. And this indirectly relates to this bill and to many of the other bills we are going to come up with. But I believe that it is very wise for us to proceed carefully in making fast decisions involving people who have broken society's rules and who have by their own choice maybe ended up in a correctional institution.

Now my position on this bill and the others is one of great concern, and my concern is directed at the people of this state, for the people who live in this society, for the working people and the ones who every day try not to break the law. What is the sense of having a society if we are not going to uphold the law? And this is why we come here and we make laws in order to have an efficient and straight society.

Now to those who have broken these rules, we also have a tremendous court system which probably assures fairness and consideration on every case. I believe that way. But if the court chooses to send them for correction in order to deter them and to probably to deter them from future crime, and probably to help to rehabilitate them, I think that probably this is good procedure, and I truly believe that if you check with especially the outspoken outfits that are so concerned or so they say about prisoners, you will find these are the type of bills that they do not want presented in this legislature.

I think that incarceration in itself has some value. I know if I was to be kept in

the house for a couple of days, for a change I would have a chance to think about a lot of things that I haven't thought about in the last few months. But what worries me about this is the fact that in expunging the records you expunge everything. The Secretary of State would have to send notice to different ones not to expunge the record.

Now let's assume that for some reason or other I know something about a lot of people, and you don't have to assume it because I do. I know a lot of things about a legislator in this House that I am sure the Secretary of State doesn't know that I know. So how is he going to give me a notice? So the fact is that this in itself, they make him responsible by law, responsible to give notice to people, so this is one part of it.

Then the full pardon, well we can go around and make all kinds of bleeding hearts and accusations or try to dissertate what full pardon is. There is nothing under the law that describes what a full pardon is. I hope that some of you that come here the next session and know English better than I do, will be able to come here and actually put in a bill to declare what full pardon is so we will know where we are at.

Another thing for you to consider is that the modern penologist, which seems to abound in this state — I just can't visualize this, because they go to court and the judge who is supposed to be their judge sends him to a place for correction, and then the first thing you know, the one at the correctional institution takes him out and sends him into the community. Well, who is deciding here? Is it the corrections deciding where this man is going to be? I think that the sentence should be such that that is what it is until the judge himself changes it. And the thing is, in community life it has been and you have heard in the recent months that some people, and I think a lot of them and I am not either, I think that a lot of people are in fear of people that have committed a crime. Maybe they shouldn't be because the crime is very small in some cases, but they are in fear. We have had examples of people being in jail and let out and you might say these are exceptions, but these are facts. So are we

ready, is the community ready to retake these people? I say they are not. Maybe they should be, but I say they are not.

And another thing is that you as an employer — as an employer — say somebody comes to you to ask for a job, aren't you interested in knowing where he comes from, or what his beliefs are, or what the good points about him are, or what the bad points are? And assume that he — and this is very technical — assume that he embezzled some funds from a bank — and I know that somebody is going to say something on this that this bill exempted that you can not give information if he applied for a banking job. Well, that is okay, you don't give information for a banking job, but there are a lot of other jobs that someone can apply for that involves the handling of funds. So as an employer, this is a bill you have to watch very carefully. I sincerely believe that if I do something wrong, if I get caught for speeding, or if I get caught for assault or aggravated assault, I know ahead of time that I am expected to pay the price of the penalty. I think this is a great deterrent, the penalty is the great deterrent. And I don't share the views of the bleeding hearts about letting some of these people out after they have been committed to these institutions. You can try to rehabilitate them if you want to. That's a great help if you can do it.

I can only say to you that we have our problems down in Westbrook. And we have criminals down there like any other place, and I am glad that I haven't been one of them yet, but if I am, I am fully aware what the consequences will be. I hope that I never do and I hope that none of us ever do, but if we ever do, we made the laws, and I think we made the laws to enforce them and to keep an orderly society in which everybody can live and not live in fear.

Therefore, I suggest that you accept the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentledady from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I agree completely with the statements of the gentleman from South Portland, Mr. Perkins, and I thank him for his good

explanation. And to the gentleman, a good friend of mine from Westbrook, Mr. Carrier, I would ask him to forgive me for letting my heart bleed a little this morning.

I would like to give you a little bit of background on this bill. Just previous to the hearing day in December before the Reference of Bills Committee, I was contacted by a young woman here in Augusta who asked me if I would sponsor such a bill as this. I gave it some consideration and decided that I would be willing to present it before the legislature. She had been referred to me by the Director of Corrections, Miss Ward Murphy. She told me that there were many people, of whom she was one, who had problems getting jobs because of having a record. I subsequently learned from Miss Murphy that she is a very capable and very smart young woman. In fact, she has just graduated from the University of Maine at Farmington, and she is having difficulty getting a license to teach, or a certificate to teach, I should say.

We did, as Mr. Perkins said, discuss this. Would we feel that there is no draft is acceptable? I have checked numerous times with Mr. Cohen of the Criminal Division in the Attorney General's Office. He finds that this is acceptable. I also talked with a district court judge who at first told me — he shook his head when I described the bill, or gave him the title perhaps I should say — and he thought he probably wouldn't go along with it. But after reading this new draft, a copy of which I had over the weekend home with me, he felt that it was a good bill and he would support it.

One thing more I would like to point out that this bill points directly and specifically and stresses the fact that there cannot be dissemination of this record. But, actually, the record will not be erased. It will not be taken off the records, papers. So I don't feel that those persons who have felt that it was going to be completely obliterated need have that concern. I feel that it will be taken care of.

I hope you will not vote for the motion before us, but will subsequently accept the "ought to pass" report.

The SPEAKER: The Chair recognizes

the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I had the privilege some time ago to get a full pardon for a young man in my area who accidentally shot his father. I feel that this young man, under 30 years of age, deserves a chance to have this record clear. He got a full pardon. And I believe that the gentleman from Westbrook, Mr. Carrier, is wrong if he thinks that it is an easy thing to get a full pardon from the Governor and Council. It is not an easy thing. They don't give them out right and left. It is only in very special cases that they do.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I don't recall the gentleman's name, I should have been here long enough, but I just want to say to him, that I don't believe that it is easy to get a pardon. As a matter of fact, maybe some of them won't believe this, but I still have a little compassion left somewhere.

I was at a hearing here in front of the Governor and the Board recently. I did not want to mention it before, because it involved some of my constituents. And I did appeal to give a certain individual, not a pardon, but a commutation of sentence. Now the difference is, some of them might get technical and say commutation is different from full pardon. Well, it probably is. It is just a matter of what you apply for under the circumstances or at that particular time. So I am familiar with what people go through. I went through it, and it was my first experience. And I can tell you it was a very touching experience.

And I can also tell you that even though a lot of you believe that I might be strict along the penal line, I am. But that fact is, in compassion and in belief, I still went down there and did get a commutation of sentence, and this young man today is back to work. But the conditions under which you do get a pardon and get a commutation of sentence has to be one that is very appealing to the Parole Board. And they have to go somewhere, and I agree in some cases. But again, there is a

question of what was mentioned here, accidental death. Well, I would question that right off, because the judges know the difference between accidental death, between manslaughter and murder.

So, I am not here to discredit others. And I hope that others don't think so. And I hope that we have enough courtesy not to do this to one another. However, Mrs. White — I am glad I am still her friend, because we sit next to each other, and it would be awful hard not to kid each other every now and then and share our very liberal views together. I am here, along with a lot of other legislators, to make laws for the protection of society as a whole, not to make laws for the protection of any particular individual.

I do have compassion for the particular person she spoke about, because I know her. But on the other hand, this is not my doing. This is something that happened, maybe through error and everything else. But on the other hand, I still say that we are here to pass laws to protect the whole society and not the individuals. And I am here to uphold the laws we do have along that line. And at any time I will fight for them, even if I stand alone.

I still hope you will accept the Minority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I would like to inform the gentleman from Westbrook, Mr. Carrier, that up in my District I am known as a die-hard conservative.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: This bill, I truly had not planned to speak on it, but the pardon process was mentioned in the debate.

If this bill is put on the books, it will be another factor that those who are considering pardons will have to take into consideration. And I think it will perhaps tend to cut down on the number of full pardons that are granted. Perhaps that is a good thing.

As a layman, it was quite difficult for me when I came on the Council to understand the legal concept that a

pardon is what this bill says it is, an acknowledgement by the State that this event never occurred. That is awfully hard to get through your head because it has occurred and we all know it has occurred. But if we believe in the law as it is now on the books and that a pardon is truly that, then I think this should be enacted. And after it is enacted it will be another factor in the consideration given by the Governor and The Executive Council on the granting of pardons. I support the bill.

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

Mrs. BAKER: As a signer of the Minority "Ought not to pass" Report, I think I should explain my feelings on the matter. I don't think we have had a bill within my memory that has caused me so many sleepless hours as this one. And I believe it is a matter of philosophy, perhaps.

I know and I have always accepted and believed that we should forgive and fully forgive people who ask for forgiveness, and I am willing to do that. I am willing to go along with almost all of this bill. But Representative Morton touched on a point that really I cannot accept. It does not seem to me that the legislature has the authority to grant anybody the right to actually lie. If they ask on an application, "Have you ever been convicted of a crime?" This bill would tell them they may say, "No, they have never been convicted of crime." And that is the part where I stop.

We talk about openness and truth, and we give lip service to all these virtues, and in this bill we are saying to someone, "You may go out and say you never were convicted of a crime." To me, the employer has a consideration, too. Doesn't he have a right to know? And those are the things that trouble me about this bill, and the reason that I signed it, "Ought not to pass."

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think this is the first time I have ever spoken, in three sessions, on a bill that has come out of the Judiciary Committee, because

I am not a lawyer and neither am I a liberal in granting rights to anybody that has been a criminal or is a criminal. But I do think this is one of the better bills that I have seen in the last three sessions. I always did have in my mind that when a man went before the Governor and Council and he was granted a pardon that he was clean. But evidently this is not so. And I believe right here today is a chance that we can make it so. And I have always believed in forgiveness and in a pardon. I always believed that when you received a pardon you was also forgiven. And I am sure that today that in this House there are a lot of people, I won't say that they are, but I will say that they profess to be Christians and they believe in forgiveness and in pardon. If you can't forgive your fellow man on this earth, then I don't know how you can expect a pardon or forgiveness when you get ready to pass on.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would like to carry a true little episode that happened recently. I know the people in central Maine are well aware of it. A person received a pardon just within the last year, and we were able to help him, hopefully, get back on his feet. He got a job in the Central National Bank in the City of Waterville, Maine, because he had had his pardon. Well, that young fellow turned around and stole \$3,940. He just went to Superior Court last month. He was found guilty, but because he had been pardoned for previous crime, he was put on two-years probation, and when the judge was asked about it, the judge said, "Well, he is not treated as a first offender again."

I would like to see something come out of this legislature that says that certainly if we are going to give people pardons, that maybe they can put down that they haven't been convicted of anything because they have received a pardon for it, but I would not want to expunge the records so that the courts — if we granted somebody a privilege, we expect them to go straight, they have promised to go straight, they have promised to clean up their lives, but

should they again make those same mistakes that they were making before, they should have to pay the full price and not get treated as a first offender.

I am supporting the motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Minority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Dam of Skowhegan 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 gentlewoman from Guilford, Mrs. White.

Mrs. WHITE: Mr. Speaker and Members of the House: I would like to stress a point that Mr. Carey made — I almost said the Mayor. He spoke about the fact that he didn't want the records to be completely obliterated or expunged, taken off. I would like to stress the fact that that will not be. The thing that will be done, it will not be available to be checked by anybody who wants to go in and look at the record. It will not be disseminated in any way.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: As having been an employer for some time in the past, I think this is very unfair if we pass this type of legislation. I know before I hire people to carry my money bag to the bank and so forth, I make some investigations, and I think I would be entitled to know all about a person. I feel that other people investigating feel the same way. I think this is morally wrong. It is all right to pardon him, but a certain amount of things should be available for the people who are employing this person.

I would say this, that I don't think this

is going to help the people who want to be liberal today, because if I were on the Council, and I may be some day, I would grant very few pardons with this in effect. I know there are other people who feel the same way. Some of the people that are conservative like myself do find ways to get on the Governor's Council. I have seen some of them there myself. After my long tenure in this House, it might be possible for a man like me to serve on the Council, and if I were there, I promise you here today that if I ever got there and these pardons came up with this law on the books, there would be very few pardons getting my signature. And as it is now, I might be a little more liberal and let some of them have the pardon. But with this type of legislation on the books, I can tell you today, my philosophy has not changed in the 20 years I have been here, and I don't think it is going to change in the next few years, and if I ended up on the Council, there would be very few pardons with this bill on the books.

I hope that you will give this second thoughts before you vote today and kill this and accept the minority report.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept the Minority "Ought not to pass" Report on Bill "An Act Relating to Nullification of Criminal Records," House Paper 1725, L. D. 2169. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berube, Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Davis, Deshaies, Dudley, Dunn, Dyar, Farrington, Faucher, Genest, Good, Haskell, Hoffses, Hunter, Immonen, Jackson, Kelley, Kelley, R. P.; Lawry, Lewis, E.; Lynch, McCormick, McMahon, Merrill, Mills, Morin, L.; Murchison, Parks, Pratt, Shaw, Sheltra, Shute, Silverman, Sproul, Trask, Walker, Willard.

NAY — Ault, Berry, G. W.; Berry, P. P.; Boudreau, Briggs, Bustin, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Emery, D. F.; Evans,

Farley, Farnham, Ferris, Finemore, Flynn, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Herrick, Huber, Jacques, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, Knight, LeBlanc, Lewis, J.; MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McNally, McTeague, Morin, V.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Ricker, Rolde, Rollins, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Susi, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Wheeler, White, Whitzell, Wood, M. E.; The Speaker.

ABSENT — Brown, Crommett, Donaghy, Dunleavy, Fecteau, Gahagan, Hamblen, Hancock, Hobbins, LaCharite, LaPointe, Littlefield, Maddox, Ross, Santoro, Soulas, Stillings, Strout, Trumbull, Webber.

Yes, 47; No, 84; Absent, 20.

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

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Report "A" of the Committee on Judiciary on Bill "An Act Relating to Expunging of Certain Records of Arrest" (H. P. 1734) (L. D. 2180) reporting "Ought to pass" in New Draft (H. P. 1957) (L. D. 2492) under same title.

Report was signed by the following members:

- Mr. TANOUS of Penobscot
— of the Senate.
- Mrs. BAKER of Orrington
WHITE of Guilford
WHEELER of Portland
- Messrs. PERKINS of South Portland
McKERNAN of Bangor
— of the House.

Report "B" of the same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-675)

Report was signed by the following members:

- Mrs. KILROY of Portland

Messrs. GAUTHIER of Sanford
DUNLEAVY of Presque Isle
— of the House.

Report "C" of the same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following member:

- Mr. CARRIER of Westbrook
— of the House.

Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move the acceptance of Report A, "Ought to pass" in new draft.

The SPEAKER: The gentlewoman from Orrington, Mrs. Baker, moves the House accept Report A.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: As a signer of the minority report, along with Mrs. Kilroy and Mr. Dunleavy, who is not here this morning, I would like to tell you why I signed this report.

When Mr. Perkins from South Portland got up a few minutes ago to speak on the previous bill that we just passed, he mentioned that they were quite similar. In my opinion, there is a little difference between the two. I think the two might be related to each other to some extent.

The first bill that we just passed, the person has been convicted by the courts. This bill here, it is different from the previous one because this bill called for expunging records of a person who has not been convicted. Instead, the bill has been filed by the judge, and I would like to give you an example. Anyone here might have had the experience of driving on the highway, probably 10 miles over the speed limit, and they take them into court and the judge listened to the case and thought that they probably weren't to blame, even though they were to blame for going a few miles over the speed limit. Now this record, even if it is filed, also carries along with these persons. Even if they haven't been convicted, it is still in the record for anyone to see. If you are not going to do that, it seems to me that this one here, where a case has been filed by a judge,

there is no reason why he should carry the penalty the rest of his life. He has never been convicted. Therefore, I hope that you will accept the minority report.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I don't know what is happening here this morning, but I can see by the calendar that something is happening. But very truthfully, if you are looking for quality, I think that you should accept my report, the "ought not to pass" report. I believe this for the same reason as the other bill, I think that the public, the employer and many other people are entitled to know everything about everybody. I think that this bill is the same thing. Maybe they haven't done anything bad, but the part of it that I don't like is that a dismissal of a complaint or an indictment, for all purposes a person shall be considered as never having been arrested for such charge of crime. It seems that as a matter of record and as a matter of an orderly society, this is very essential. I bring it to your attention, because a few years from now if things don't go the way that you thought they were going to go, well, you know, somebody said so.

On the other hand, there is something that I did not mention in the last bill, which I see is still in this bill, and that is section three of this bill which is on the back part of the page. This prohibits the use of any records for purposes of impeachment and testimony of any person with respect to whom such order was issued in civil or other actions.

Well, I think this is a very, very important court procedure. As for any trial lawyer around here, they know that this is very important to be able to determine that the credibility of any witness. So therefore I cannot accept either report.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: As I understand this bill, it relates only to the expungement of arrest records of people who are not found guilty. Those who are found not guilty, the prosecution is

disposed of by some means other than the finding of guilty.

I was interested in the comment of the gentleman from Westbrook, Mr. Carrier, regarding the admissibility, if you will, on arrest without a conviction in any court proceedings. I certainly would be happy to be corrected by any members of the House who have more knowledge regarding this than I do.

My experience is that in knowledge in the State of Maine, and in every state of the United States, is that you may not impeach the credibility of a witness or a party merely by an arrest, but rather there must be a conviction. So I respectfully differ with the analysis of the gentleman from Westbrook; in my opinion he is about 180 degrees out.

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

Mr. CARRIER: Mr. Speaker and Members of the House: He answers his own question. He said that the law said that you may not impeach. This is just the point. It doesn't say you shall not impeach with such material. This is just the answer to it, you can use this to establish credibility, and I know that he is more versed in the law than I am, but this I know and he said the answer himself. The law says "may" and that is where the error lies.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I am sorry I have to disagree with my committee member, Mr. Carrier, but I would hope that your good judgment that you had on the previous bill will follow on this one here, because after all, like I have mentioned before the other one has been found guilty. A person can go into a store and rob, and under the previous bill he is going to be expunged completely. Under this bill here, they have never been convicted by the judge; this has been filed. So I sincerely hope in your good judgment this morning, like you did in the previous bill.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: When we

get talking about the courts and the finding of guilty and not guilty these are two determinations the judge can make. When a case is filed, it is not a finding of not guilty, and this sometimes is the device that is used by the judge and some of the court officers that I don't fully understand. But I do know from law enforcement officers in my area that they get quite upset when they think they have a good case. The case is filed. In effect, a fine is paid or a cost of court or some such thing.

Personally, I know I am not as well educated in the law as most of you are, but it seems to me the judge should say the man is innocent or the man is guilty and this filing of cases should be eliminated from our court system.

The SPEAKER: The pending question is on the motion of the gentlewoman from Orrington, Mrs. Baker, that the House accept Report A, "Ought to pass" in new draft on Bill "An Act Relating to Expunging of Certain Records of Arrest," House Paper 1957, L. D. 2492. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Thereupon, the New Draft was read once and assigned for second reading the next legislative day.

Consent Calendar First Day

(H. P. 1775) (L. D. 2247) Bill "An Act to Repeal Reference in Law that University of Maine Officers and Employees are Unclassified Employees of State of Maine" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (H-676)

(H. P. 1874) (L. D. 2373) Bill "An Act Relating to Motor Vehicle Accident Reports" — Committee on Transportation reporting "Ought to pass"

(H. P. 1755) (L. D. 2214) Bill "An Act Providing for Restricted Motor Vehicle Operator's License" — Committee on Transportation reporting "Ought to pass" as amended by Committee Amendment "A" (H-677)

(H. P. 1868) (L. D. 2367) Bill "An Act to

Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game" — Committee on Fisheries and Wildlife reporting "Ought to pass"

(S. P. 852) (L. D. 2420) Bill "An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of the State" — Committee on Legal Affairs reporting "Ought to pass"

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

Consent Calendar Second Day

(H. P. 1886) (L. D. 2396) Bill "An Act Relating to Organizational Change in Department of Transportation"

(H. P. 1887) (L. D. 2397) Bill "An Act Relating to the Land Damage Board"

(H. P. 1880) (L. D. 2390) Bill "An Act Relating to Jurisdiction of the Boxing Commission"

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

Passed to Be Enacted

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

An Act to Repeal the Sewerage Provisions of the Lincoln Water District (H. P. 1765) (L. D. 2233)

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

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education (H. P. 1945) (L. D. 2479) Emergency

Tabled — February 6, by Mr. Shute of Stockton Springs

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Tuesday, February 12.

The Chair laid before the House the second item of Unfinished Business:

Bill "An Act Providing Funds for

Spruce Budworm Control and Surveys” (H. P. 1684) (L. D. 2077) (C. “A” H-650) Emergency

Tabled — February 6, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted. (A Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. This being an emergency measure, it requires a two-thirds affirmative vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Bunker, Bustin, Cameron, Carter, Chick, Chonko, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Greenlaw, Haskell, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McNally, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Parks, Perkins, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Theriault, Tierney, Trask, Twitchell, Walker, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Boudreau, Brawn, Briggs, Carey, Carrier, Clark, Connolly, Cooney, Dunn, Dyar, Farley, Faucher, Goodwin, H.; Goodwin, K.; Hoffses, Kelleher, McCormick, McMahon, McTeague, Merrill, Mulkern, O'Brien, Peterson, Soulas, Talbot, Tyndale, Whitzell.

ABSENT — Brown, Crommett, Donaghy, Dunleavy, Evans, Fecteau, Gahagan, Hamblen, Hancock, Herrick, Hobbins, Huber, Jacques, LaCharite, LaPointe, Maddox, Palmer, Ross, Santoro, Sheltra, Tanguay, Trumbull, Webber.

Yes, 101; No, 27; Absent, 23.

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

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

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

Mr. HASKELL: Mr. Speaker, I move we reconsider our vote, and I hope you vote against me.

Mr. Peterson of Windham requested a roll call vote.

The SPEAKER: The gentleman from Windham, Mr. Peterson requests a roll call. 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 reconsider its action whereby this Bill was passed to be enacted as an emergency measure. All in favor of reconsideration will vote yes; those opposed will vote no.

YEA — Boudreau, Brawn, Briggs, Carey, Carrier, Clark, Connolly, Cooney, Cote, Dunn, Dyar, Farley, Faucher, Good, Goodwin, H.; Goodwin, K.; Hoffses, Kelleher, McCormick, McMahon, McTeague, Merrill, Mulkern, O'Brien, Peterson, Talbot, Tierney, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Bragdon, Bunker, Bustin, Cameron, Carter, Chick, Chonko, Churchill, Conley, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Emery, D. F.; Farnham, Farrington, Ferris, Finemore, Flynn, Fraser, Garsoe, Genest, Greenlaw, Haskell, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell,

McHenry, McKernan, McNally, Mills, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Parks, Perkins, Pontbriand, Pratt, Ricker, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Theriault, Trask, Twitchell, Walker, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Brown, Crommett, Donaghy, Dunleavy, Evans, Fecteau, Gahagan, Gauthier, Hamblen, Hancock, Herrick, Hobbins, Huber, Jacques, LaCharite, LaPointe, Maddox, Palmer, Ross, Santoro, Sheltra, Tanguay, Trumbull, Tyndale, Webber.

Yes, 28; No, 98; Absent, 25.

The SPEAKER: Twenty-eight having voted in the affirmative and ninety-eight in the negative, with twenty-five being absent, the motion does not prevail.

The Chair laid before the House the third item of Unfinished Business:

Resolution Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles (S. P. 756) (L. D. 2166)

Tabled—February 7, by Mr. McTeague of Brunswick, until later in the session.

Pending—Motion of Mr. Simpson of Standish to indefinitely postpone.

(No Committee Report accepted. Report A "Ought not to pass"; Report B "Ought to pass"; Report C "Ought to pass" as amended by Committee Amendment "A" (S-332)

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

Mr. McTEAGUE: Mr. Speaker and Ladies and Gentlemen of the House: I would like to thank the House and the gentleman from Standish, Mr. Simpson, for allowing the matter to be tabled yesterday until we could read it over with the Committee Amendment on it. As the House knows from past debate, the matter involves the broadening, with the consent of the people, of the scope of the dedication of the gasoline tax. We deal approximately with some \$50 million a year, I am given to believe. The question was voted on approximately 30

years ago by the people of this state. At that time the people agreed, and we so amended the Constitution to provide that all money raised from the gasoline tax should go into the highway fund for highway uses and for a few related uses like a certain portion of the State Police.

The question now comes before us, I think at a very appropriate time, considering not only the energy crisis but the transportation aspects of the energy crisis. I feel it is time that this issue, the scope of the dedication of the gasoline tax, be given to the people of Maine.

Back in the 40's, perhaps in the late 30's, it was originally a statutory dedication. Then we came to a Constitutional dedication, which in effect removes the power, not only of the majority of our legislature, but indeed a majority of the people to make the decision on this issue. I think that 30 years, the passage of approximately 30 years, indicates that it is time to return to the people and to get their sentiment on this. I don't think this highway dedication has assumed the status of part of the Bill of Rights that we must forever leave it in our Constitution and that we must be fearful as legislators of ever having the people have a say on it.

The resolve does not, again, relate to complete undedication, but rather broadens it to things like train service, ferry service, and mass transportation could be included.

Mr. Speaker, when the vote is taken on indefinite postponement, I would ask for a roll call.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, requests a roll call.

The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would like to explain the three reports before you.

The Majority Report is "ought not to pass." Report B is a report in favor of the bill, which calls for undedicating the highway funds for other transportation purposes.

Report C is the report that I signed, that Mrs. Najarian also signed, and I think that those of us who favored

undedication there was some mixed emotion about the two different "ought to pass reports."

Report C proposes that up to 25 percent of the highway tax revenues could be used for alternative surface transportation purposes, up to 25 percent, not a mandatory 25 percent, but up to that amount. I think this is the kind of proposal that you and I ought to be giving more consideration to than I suspect we will this morning. I think most of us probably feel that we just can't do this, that the peoples' love affair with the automobile on the road is so strong that nobody will consider some alternatives.

But I, frankly, am starting to worry about our transportation system. I think we do need to think about trains, improved bus transportation, bikeways. And I think about it, about the need for different groups in our society, whether they be old or young or whether they be rich or poor. I also think that our dependence on roads also jeopardizes our national security. And that may sound just a little bit corny, but I don't like over-dependency on any one kind of transportation. And I would hate to rely on the Maine Central Railroad or the Bangor and Aroostook in this day and age for critical transportation purposes should our roadways not be able to serve those purposes.

So, some undedication I think is warranted at this time. The energy crisis I think only makes this more apparent. So, I urge you not to indefinitely postpone this, even though I suspect you may, and to consider that a partial undedication of these funds for other surface transportation purposes is a sensible thing to do.

And Report C proposes to put exactly that in the Constitution. I think the people of the state will buy it. I think they would support it, and I think this legislature should support it.

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I stand up and ask you to vote yes for the indefinite postponement of this bill. My reasoning is thus; the highway program

in the State of Maine is in trouble. The people who are driving cars in the State of Maine, I do believe, are paying an 11 cent gas tax. They want their gas tax to be used for highways. They don't want it to be used for another form of transportation. That is the way I feel. I am quite certain that is the way my constituents feel, and I am quite certain, for many of you, that is the way your constituents feel. To tax a person on his fuel to drive his car to use it for other purposes, I think the people of Maine would be against it.

Secondly, right now we have lost our construction program in the State of Maine for new highways because of the gas tax not being increased. But we do have a very very excellent program that most of us in rural Maine are looking forward to, and that is the resurfacing program. And if you have driven on a resurfaced road, you know there is a great deal of difference than riding on a road that has not been resurfaced, that is very hard, say, to manage your wheel and drive on. Therefore, in behalf of this program, in behalf of keeping some type of road program going, I hope you will vote yes to the indefinite postponement of this bill. Thank you.

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

Mr. McTEAGUE: Mr. Speaker, Ladies and Gentlemen of the House: I think it is obvious, but I will state the obvious, and these are individual views. Mr. Cooney shares it to some extent, and I hope that some others here do.

I am somewhat dismayed by the gentleman from Calais, Mr. Silverman, not in his point on resurfacing, which I am certain is a very worthy project in many areas, but rather on the point of what is the role of the legislature on an issue like this.

Mr. Silverman has said he knows the views of his constituents, and that we all know the views of our own constituents. I think sometimes I know the feelings of mine, I hope I do. Like all of us, I try to know them. But if you know the views of your constituents, your constituents, ladies and gentlemen, why the concern, why the fear? Put it to the people. Ask them. Because if you vote for indefinite

postponement today, it could be said that you were perhaps concerned as to what the views of your constituents might be.

All wisdom does not repose on the third floor in Augusta. A great deal of wisdom and common sense reposes in the million people of the State of Maine. Let's give them a chance to have some input on this and at least keep this resolve alive, and vote no on indefinite postponement.

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

Mr. MAHANY: Mr. Speaker and Ladies and Gentlemen of the House: I am observant of the thoughts of my constituents. Most certainly any constituent of mine or the other people from Aroostook County that are representing the County, I am sure do not want the funds, the dedicated funds that are dedicated for highway, to be cut back or in any way reduced at this time, at least, because there is a long ways from Houlton to Fort Kent, St. Francis, and so forth, that we have been working to get some more money to improve that stretch of highway.

Now, it is true, as Mr. McTeague says, if you shell it out to the people, they would maybe make a stand that would be the voice of the majority of the people. But is also true that the majority of the people lie from Bangor south, and they are well taken care of with Highway 95 and with your turnpike, and with your bridges, so on and so forth, and we lack a lot of that good highway.

We lack good surface on our so-called roads from farm to market. In fact, some of those are down to the rock foundation. We need more maintenance money in Aroostook County for that type of road. Most certainly, I think this is a poor time to even think of such a thing as bringing it before the people to decide whether we should discontinue our dedicated funds or not for highway. I would urge everybody to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have two classes of constituents, those who pay this tax to drive automobiles, that drive

trucks, that ride on busses, and they help pay the tax, these are the people that are paying for the highways. There are a few more that do not drive or have automobiles in their families and possibly they would like to see money going to other purposes.

Now taking money away from our Highway Department for these dedicated funds that are paid by the people that use the highways would be somewhat similar to undedicating the sardine tax. Now a lot of people would like to get their hands on as much money as they can for any purpose they can use it for. The sardine tax and many other dedicated revenues are used for that industry. The industry pays it, the people involved pay it and they need it. They have asked for it. I hope you will all vote for indefinite postponement.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I will have to notify you that I am going to vote for the indefinite postponement. I have some very strong reasons in my area. One has to do with the oil refinery. We are all conversant with almost a full year of hearings being held on this proposition. We also have the knowledge that these people have come there and opposed it have been imported from all over the world as experts on tides in the Eastport area, notably the Bay of Fundy. And to my knowledge, as a Harbor Master down there for three years, there is only one of these persons from down the coast who ever has sailed in these waters to know what the tides are.

The vast sums of money that has been spent to prevent a refinery in the State of Maine gives me a very good idea of what can happen if we undedicate these funds.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that Resolution,

Proposing Amendment to Constitution Broadening Limitations for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles," Senate Paper 756, L. D. 2166 be indefinitely postponed in concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Bunker, Bustin, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cressey, Curran, Dam, Davis, Deshaies, Drigotas, Dudley, Dunn, Dyar, Evans, Farnham, Ferris, Finemore, Fraser, Garsoe, Good, Haskell, Herrick, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelley, Kelley, R. P.; Keyte, Kilroy, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Mahany, Martin, McCormick, McHenry, McNally, Merrill, Mills, Morin, V.; Morton, Murchison, Norris, Palmer, Parks, Peterson, Pratt, Ricker, Rolde, Rollins, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Stillings, Strout, Susi, Trask, Walker, Wheeler, Willard, Wood, M. E.

NAY — Berry, P. P.; Carter, Chonko, Clark, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dow, Emery, D. F.; Farley, Faucher, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Huber, Kelleher, Knight, Lewis, J.; Maxwell, McKernan, McMahon, McTeague, Morin, L.; Mulkern, Murray, Najarian, O'Brien, Perkins, Rolde, Smith, D. M.; Smith, S.; Sproul, Talbot, Theriault, Tierney, Twitchell, Tyndale, Whitzell.

ABSENT — Brown, Crommett, Donaghy, Dunleavy, Farrington, Fecteau, Flynn, Gahagan, Hamblen, Hancock, Hobbins, Jacques, LaCharite, LaPointe, Maddox, Pontbriand, Ross, Santoro, Sheltra, Soulas, Tanguay, Turnbull, Webber, White.

Yes, 85; No, 41; Absent, 24.

The SPEAKER: Eighty-five having voted in the affirmative and forty-one in the negative, with twenty-four being absent, the motion does prevail.

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

Mr. SILVERMAN: Mr. Speaker, I now

ask for reconsideration and ask you to vote against my motion.

The SPEAKER: The gentleman from Calais, Mr. Silverman, having voted on the prevailing side, moves that 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.

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

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

Tabled—February 6, by Mr. Palmer of Nobleboro

Pending—Passage to be engrossed

On motion of Mr. Simpson of Standish, retabled pending passage to be engrossed and specially assigned for Tuesday, February 12.

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

Bill "An Act Relating to Municipal Fire Protection" (H. P. 1707) (L. D. 2100)

Tabled—February 7, by Mr. Simpson of Standish

Pending—Further Consideration

Enacted in the House with Committee Amendment "A" (H-652) In the Senate passed to be engrossed as amended by Committee Amendment "A" (H-652) and Senate Amendment "A" (S-338)

Thereupon, the House voted to recede and concur.

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

Bill "An Act Relating to Deductions from Sentences of Inmates in County Jails" (H. P. 1839) (L. D. 2331)

Tabled—February 7, by Mr. Carrier of Westbrook

Pending—Motion by Mrs. Baker of Orrington that the House accept the Majority "Ought to pass" Report.

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

Mr. CARRIER: Mr. Speaker, I move for the indefinite postponement of this

bill and all its accompanying papers and would speak to my motion.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves the indefinite postponement of this Bill and all accompanying papers.

The gentleman may proceed.

Mr. CARRIER: Mr. Speaker and Members of the House: The only reason for me to stand up on this one again today is to expedite the matters. Either we are going to pass these bills or we are going to kill them now and forever. I have taken a position on this bill again that we are promoting something which I cannot accept. I submit to you that this bill here is to give people some time off for something they should do in the first place — and that is for good behavior.

This bill here concerns mostly a problem that has come down our way, and I think it is an individual interest in this bill, and I am not talking about the sponsor either, I think it is individual interests about some people, the efficiency of things down in Cumberland County. But regardless of that, I still think if you read the bill very closely, these people have been given a term, sentence, and now we give the sheriff — how far are we going to go here? We are going to give the sheriff the right to actually give time off, three days off a month for good behavior. And then there is also the second clause of it, an additional three days a month may be deducted from the sentence of those inmates. Now if he has been sentenced he has done something wrong, and he is in there for some purpose. I believe that this just doesn't make sense.

In the Statement of Fact it says that this in fact will encourage the inmates assistance in the maintenance of the jail. Well, you don't need any kind of incentive in order to keep the place clean. All they have to do is mandate to them to keep it clean. If they don't want to keep it clean, let them live in it whichever way they want to.

Therefore, I suggest to you that we are on a trail here of loosening up everything apparently, but we have got other bills coming too that are worse than these. If you think this has been a survival test this morning, you watch out for the ones that are coming next week.

So I suggest to you that I do make a move for indefinite postponement of this bill, and I hope that you, in your wisdom, see it the same way I do.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly. As a member of the committee who signed the "Ought to pass" Report, I think you should note this bill was supported by the sheriff in Cumberland County and also the majority of the Association of Sheriffs. This is by no means a great increase in the number of days that are going to be provided. In fact, as I understand it, in New Hampshire they give seven days of good time on a month sentence. So this is by no means setting a trend.

As we were told in committee, the need for this stems from a way to proceed with the rehabilitation which I think we are all aiming for, rather than have inmates just sit in their cells. And obviously there is going to be little incentive for them to do any work if there is not some reward that they are going to receive for it. This is not, as the gentleman from Westbrook, Mr. Carrier, would have you believe, good time for fixing up your own cell. This deal is with working in the kitchen and doing other jobs that they would have to hire other people to do if these people wouldn't do them. It also pertains to outside work.

So I think that perhaps Mr. Carrier is right, that there are other bills that are a lot more far reaching than this one, and that is the point I wanted to make. This is not any kind of a unique situation but is just following the trend that has been set in other states.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am not too crazy about setting trends, but it seems as though these people are going to get in an eleven month sentence, for instance, they are going to get 60 days off — 3 days per month for 11 months for just being in jail and just being a good guy; and 3 days for doing what the sheriff wants

them to do on the outside if the sheriff himself feel that they have done a good job.

Well, it is not the sheriff that put them there; it is the judge that has put him there. And the poor guy who finally had to arrest this fellow, after 15 years work in the City of Waterville is only getting 24 days off a year. So it seems a little off balance here some place.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of the bill, I would like to inform the gentleman from Waterville that maybe his man is in the wrong profession. But as the sponsor of the bill, I think the bill does make an awful lot of sense. I think from a businessman's point of view that I like to hire people to the point that there are incentives built in so that when they do a good job they are rewarded. I hope that all of us feel the same way. I happen to personally be a believer in goals, and I think that you reach goals by drive and by incentive.

As I see the county jails, the county jails are costing us a tremendous amount of money to operate, but I think that when we look at the people that are in there, that they are costing us money, I just can't help but think that I would like to do something to get them out into society where they are off the payrolls of the taxpayers and that they are doing something constructive. I realize this doesn't always take place, but I think in a good many instances it does.

When we look in our state parks, many of our public places that the state owns, who do we see working there? We see working there inmates out of the county jails or inmates out of the South Windham Men's Correctional Center or out of Thomaston. I have always said this makes sense, that they should be working for us, they should be paying as part of their debt. But I also believe that we find a lot of times riots in jails; they cost us money to clean them up. We don't have insurance on them. When they break our jails down and destroy our jails we pay for it, the insurance companies don't pay for it.

By building this type of incentive

program in, one more day, they get two right now, by putting one more day into the thing as an incentive for good behavior, then they should be entitled to it, and if they are willing to work and to work hard to help pay for their sentence, then I think that entitles them to some type of incentive or a reduction from one day to three. So we are increasing it one day for good behavior, and two days for work.

I would ask you a question. Would it be better to give them some time off by an incentive program like this, or are we going to start to comply with some court decisions before long and start paying a minimum wage on an hourly basis while they are there when they don't do any work but sit there?

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I seem to have an entirely different view of this matter than some of the people that have already spoken, and my view is this. In the county from which I come, I find these sheriffs quite politically minded, whether they be Democrat or Republican. We have a Democrat one now and he is the same as the one when he was Republican, and they have some deputies that are very good vote getters. This would be a good bill to keep the present sheriff in office for the rest of his life.

I can go in detail and show you how it works, but if you have a little imagination, you read the bill, you will understand what I am trying to tell you.

The Speaker; the Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I find that I side with Mr. Carrier at this time as a signer of the minority report, and I would like to say to you, ladies and gentlemen, that when and if they would be sent to a county jail, it is not quite the same as in Thomaston. He goes there for a short period of time, and I don't think that we should start by giving him a vacation before he started serving time.

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

Mr. DYAR: Mr. Speaker and

Members of the House: I am sort of concerned on the discussion here this morning relative to work in a county jail. It is my understanding that a county sheriff cannot make a prisoner work. He can have him make his bed in the morning and clean out his cell, request that he eat his three meals a day. As far as that man being asked to clean up the day room, wash windows in the sheriff's office, anything like this, this person does not have to do it. And you are talking about court decisions that may be coming up. I am quite sure the man that doesn't want to work in a county jail and doesn't work, and the other prisoner in the next cell wants to work, that he will be talking discrimination that the sucker in the next cell is playing games with the sheriff to get out who is willing to work.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that Bill "An Act relating to Deductions from Sentences of Inmates in County Jails," House Paper 1839, L. D. 2331 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.

62 having voted in the affirmative and 56 having voted in the negative, the motion did prevail.

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

Mr. CARRIER: Mr. Speaker, I ask for reconsideration and hope you vote against me.

Mr. Peterson of Windham 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 pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor

of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Birt, Brown, Bunker, Bustin, Cameron, Chick, Chonko, Clark, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Dow, Farley, Farnham, Finemore, Good, Goodwin, K.; Greenlaw, Haskell, Huber, Immonen, Jalbert, Kelley, Kilroy, Knight, Lewis, J.; MacLeod, Martin, Maxwell, McKernan, McNally, McTeague, Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Rolde, Rollins, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Tierney, Trask, Tyndale, Wheeler, White, Whitzell, Willard, The Speaker.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Carey, Carrier, Carter, Churchill, Conley, Davis, Deshaies, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farrington, Faucher, Fraser, Gauthier, Genest, Goodwin, H.; Herrick, Hoffses, Hunter, Jackson, Kauffman, Kelleher, Kelley, R. P.; Keyte, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, Mahany, McHenry, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Palmer, Parks, Pratt, Ricker, Shaw, Shute, Silverman, Sproul, Strout, Theriault, Twitchell, Walker, Wood, M. E.

ABSENT — Briggs, Crommett, Donaghy, Dunleavy, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Hamblen, Hancock, Hobbins, Jacques, LaCharite, LaPointe, Maddox, Ross, Santoro, Sheltra, Tanguay, Trumbull, Webber.

Yes, 65; No, 63; Absent, 23.

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

The question now before the House is on the motion of Mr. Carrier of Westbrook, that this Bill and all accompanying papers be indefinitely postponed.

Mr. Simpson of Standish requested a roll call vote.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I guess you can't win them all. For those of you who haven't been here before, I have never been through making such a motion and find myself in such a position. However, I believe the motion is still indefinitely postpone. I appreciate the vote of those who vote for indefinite postponement, and I hope that you see it right to do so right now. This is a bad bill, and I can assure you that before I move again today, I am going to think about it for a while.

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 Westbrook, Mr. Carrier, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Berry, G. W.; Berube, Binnette, Bither, Bragdon, Brawn, Carey, Carrier, Carter, Chick, Conley, Davis, Deshaies, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Farrington, Faucher, Fraser, Gauthier, Genest, Good, Goodwin, H.; Herrick, Hoffses, Hunter, Jackson, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Lawry, Lewis, E.; Littlefield, Lynch, Mahany, McCormick, McHenry, McMahon, Merrill, Mills, Morin, L.; Morin, V.; Murchison, Palmer, Parks, Pratt, Ricker, Shaw, Shute, Silverman, Sproul, Strout, Tanguay, Theriault, Twitchell.

NAY — Baker, Berry, P. P.; Birt, Boudreau, Brown, Bunker, Bustin, Cameron, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Dow, Evans, Farley, Farnham, Ferris, Finemore, Garsoe, Goodwin, K.; Greenlaw, Haskell, Huber, Immonen, Kelley, Kilroy, Knight, LeBlanc, Lewis,

J.; MacLeod, Martin, Maxwell, McKernan, McNally, McTeague, Morton, Mulhern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Rolde, Rollins, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Susi, Talbot, Tierney, Trask, Tyndale, Walker, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

ABSENT — Briggs, Crommett, Donaghy, Dunleavy, Fecteau, Flynn, Gahagan, Hamblen, Hancock, Hobbins, Jacques, LaCharite, LaPointe, Maddox, Ross, Santoro, Sheltra, Trumbull, Webber.

Yes, 61; No, 71; Absent 19.

The SPEAKER: Sixty-one having voted in the affirmative and seventy-one in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted. The Bill read once and assigned for second reading the next legislative day.

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

Bill "An Act to Make the Term of Office of the State Planning Director Coterminous with that of the Governor" (S. P. 775) (L. D. 2222) (C. "A" S-334)

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

Pending—Passage to be engrossed.

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

Mr. BIRT: Mr. Speaker, I now move this Bill be passed to be engrossed.

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 ask a question from the gentleman from East Millinocket, Mr. Birt, where he dug up the word coterminous?

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

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

Mr. Curtis of Orono was granted unanimous consent to address the House.

MR. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I realize everyone is restless and we would like to move on. However, on page two and three of today's calendar, under the Rule 17-A provision, we killed eight bills as recommended by the State Government Committee. Those eight bills were all the results of recommendations of the Maine Management and Cost Survey Report. And before they finally disappear into the legislative files, which the committee unanimously thought is what should happen to them, I thought it might be worthwhile, that we ought to spend just a minute to describe why.

Now, the Maine Management and Cost Survey people spent a great deal of time and effort working up proposals that they suggested could save \$24 million in taxpayers' money with cost savings to state government. The State Government Committee has been assigned consideration of 30 of those 80 proposals based upon the report. So the eight that we had today represent a substantial number of what has been considered.

I think that the legislature, since the legislature and the Governor asked the people in the business community to assist us in analyzing State Government and since those people in the business community spent a good deal of time, effort and money to do the analysis, I think we ought to give this a bit of consideration and not take a strictly cavalier attitude. So I would like to report to you that the State Government Committee did, indeed, hold public hearings, lengthy public hearings, on all eight of those proposals, that many of the sponsors were by request, which we all realize is a bit of a flag to people involved with the legislature, that in most instances there were no proponents at all who showed up to testify in favor of the proposals or to explain them and that there were many, many opponents, people who came from all over the state to explain, and it was sort of interesting to me, to explain why state government was doing a good job, especially in the field of educational and cultural affairs.

I would like to mention just one proposal in particular. There was a bill to disburse the collections of the State Library, and it was based upon recommendation number 111 on page 110 of the Cost Management Report. The proposal made by the Cost Management Report indicated that we could eliminate 15 positions, save \$71,800 in state money, \$29,200 in federal money, and an additional annual savings on book purchases. The people of the state would be better served by disbursing the reference collections that the State Library now has. Well, we considered this proposal and in committee with a public hearing not only did the State Librarian come to testify against it, but many, many librarians from throughout the state came and told us that it is much more logical and much more sensible to keep the library collections centered in Augusta where it can be easily found and located by all librarians. They also said that contrary to the recommendation in the report, there was no space in municipal or university libraries to house this rather large collection. Unfortunately, there was nobody there from the Maine Management and Cost Survey Committee to explain their proposals. So we were not quite sure exactly what they had in mind.

Now, we have been told that they are not able to appear because of an Internal Revenue Service ruling. I would like to read a section of a letter from Mr. John Foristall, the Acting District Director of the Internal Revenue Service for the State of Maine, in which he discusses this problem of people from the Longley Commission speaking before public hearings. And included in the letter is part of his conclusion after discussing the specific intricacies of what the Management Survey was supposed to do and the regulation of the I.R.S., he says, "Based on the above, appearances of officials and staff persons of the Commission before legislative committees in response to requests from the committees for the purpose of rendering expert testimony concerning the Commission's survey and study is not considered an attempt to influence legislation as defined in the Internal Revenue Code of 1954 and the regulations thereunder."

Now it seems fairly clear to me that they could come and testify. And I hope that in the final bills our committee will be hearing next week, that we will have representatives from the Cost Management Survey show up and testify and explain why it is that they think they can save these monies.

And, finally, what I would like to mention about the library is that intriguingly, if we had adopted their recommendation and disbursed the funds, dispersed the books, they also recommend that the space thereby made available would be used to house administrators of state government, or more offices space for bureaucrats would be one way to put it, the ultimate effect of doing that would cost the State of Maine \$350,000 which would have to be returned to the federal government, because part of that expense made in building a library was funded through federal Library Funds. And the contract provided that if that space were ever used for anything other than library purposes \$350,000 would have to be returned to D.C. The specific analysis of many of these proposals really leaves a great deal to be desired.

Finally, I would close by saying that the State Government Committee will be providing a detailed and specific analysis of each of the Longley Commission Reports, those that we have enacted, recommended "ought to pass," those that came out a divided report, and those that we think just really had no redeeming social value at all, such as the eight that we killed today. Thank you.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am aware that it is Friday and that it is late and you want to go home. I intend later on to answer more fully the gentleman from Orono, Mr. Curtis. But he took, again, out of context, words from a letter. What he forgets is this; that if they did testify, these people, they could not write off whatever time or expense that has been donated towards this report. I don't think these things are fair.

Now, I think within the next few days you are going to hear more about it. I think the Speaker last week asked you to seriously read the report. I think you ought to do it. I think it ought to be done. I think that possibly you will find as you go along that you would add up the monies that are in part II. I think Part III is a thing of the past or will be. I think Part II is really going to get hurt. We are bleeding for money. And as far as I am concerned, nobody needs to tell me that somewhere along the line there isn't a little saving here.

Now, this report here has been battered around. I think that probably the leadership ought to seriously get together and decide what they intend to do. Some of the bills could pass, ought to be passed. If some should be referred to the Appropriations Committee, or a special committee, or the next session, that should be done. But somewhere along the line people throughout the state are asking some questions.

Now, I have been around long enough to know that there is some money in here. I have a bill myself that I have presented where I know that we could somewhere along the line save some money. There is no way at all to debate and argue the reports that were turned out this morning for the report. But my point of rising on my feet was that when a letter is read, it should not say what one paragraph says. Read the letter, explain the letter, and know what the letter is all about.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't know we were going to quite open this up. But I feel as though I should put some things on the record in hopes that it would give you some information that would hopefully clarify this and maybe straighten it out a little bit.

The letter, I believe, that the Representative from Orono, Mr. Curtis, is quoting from is a letter which the Maine Cost Management Study received during the course of the latter part of the week or the first part of this week which, in essence, does state that they did the

research and, therefore, they would not lose their tax exempt status if they appeared to document their findings as an indicational type of thing. It still says they cannot lobby. And they had to be careful how they work or how they use their presentations so it would not conflict with the term of lobbying.

Now, the leadership did take some stands, or at least our side did. I don't think the gentleman in the other corner will disagree. But the other day I went, while they were meeting here, and I went over and I spent about an hour and a half with them. I think I leveled with them just about as frank as we could level with them, although in all our other meetings we have been very candid, very frank, and it has been, not a stand-off, but yet it has been. It has been the Maine Cost Management team and the legislative leadership. And we have represented the feelings of every one of you as to your thoughts relative to the draftsmanship of the bills, that the draftsmanship does not comply with their recommendations, that our staff has been trying to keep up with them, so that the draft would correlate. Our staff has not been able to. And yet we have taken our staff and said, "You devote a hundred percent of your time right now to that Commission Report and get off anything else you are doing." Well, that has taken them away from other bills.

Then, also, you have told us in caucuses, privately, and on this floor, that you would like to have some moral background or physical backup when you are appearing with your bills or the committees would like to have them appear. They have not seen fit to go this route. We have consistently asked them to do so.

In my meeting with them the other noontime I told them why I voted against two bills, one the bill of the gentleman from Augusta, Mr. Sproul, the other one being the bill relative to the Attorney General's Office and the Treasurer being appointed by the Governor rather than the legislature. After one half hour of some good talk on those particular bills, I believe they honestly felt, in fact, Mr. Longley himself said that on Representative Sproul's bill that we were correct, that the bill could not be

implemented in this form without some other changes. They wanted those changes to go with that bill, and it had to go with it only to be able to save us \$100,000.

I advised them, if they wanted to take some advice, that the Longley Report in its entirety was well-greased, it was in high gear, and it was straight downhill. And if they wanted to salvage any portion of this and the credibility of the report, and if the legislature was going to establish some credibility and not be placed with the entire blame of killing that report, that we needed some cooperation from them. At that time I asked them if we couldn't buy some time.

At a previous meeting of the committee prior to that, I had asked them to give us some priorities. They said the whole entire book was a priority. Since that time, they have given second thoughts to that. They asked if we might consider 12 of their major recommendations. And in turn we might report the rest of their recommendations, refer them to the 107th, or put them on a Leave to Withdraw, since during the summer months our staff then could work with these, get them in the proper form, and then we could sit down and counsel could refer them to your committees so that you could meet with their backup people, their entire team and go over the bills so you would have an understanding.

We tried to convince them that when they would go into a work session and sit down and take their coats off and roll up their sleeves and get in with 13 people who deal with that subject every day of the week, that they might find themselves wrong and that the legislature is right. And they said, "Okay, after your meeting here today you have proven us some points on two bills. Maybe we are wrong. That's what we should be doing." And that group right there had tentatively agreed to do that. In turn, they gave us 12 bills. There are some, I don't know the numbers, I know there are two on education. The rest of them are either in state government or in appropriations. One was on your calendar sitting in a divided report three ways. We tabled it for two

days. Monday evening at 5:30, leadership has been requested to meet with their directors, along with the chairmen, the House Chairman and the Senate Chairman of those three committees, and also Suzanne Havens, who is chief of our legislative staff. For us to give that entire proposal to their board of directors, the ones who have to make the decisions, the ones who are responsible for raising the money. At that time they will make the determination whether that is a solution that they can live with and want to live with.

We have not promised them that those 12 bills will have passage. We have only promised them that the 12 bills will be given due consideration and that they will be given a chance to explain their position. And we would request that they explain their position as to why the bills should be passed. Hopefully, after that meeting, we will have a course of direction for the rest of this legislative session. I see it one of two ways, the cooperative course from that meeting, or one of no cooperation whereby we will have to go the route we have been going. And I see us then probably scuttling a lot of bills that I would personally want to commit myself to put into proper draft during the summer and bring them back to the 107th. But I believe that is accurately where we stand right now with the Maine Cost Management Study.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: If the leadership is again to meet with the leadership of the Cost Management Survey, I am delighted. I would ask you people to discuss with the Cost Management Survey people, I would ask you to please find out and settle once and for all, were some of these bills drafted not necessarily up against the report, or were they drafted up against the report?

Now, I definitely have established that the finance and administration legislation has not been drafted up against this report. And for those of you who know me, you know that I have not only read but I have studied this report. I

have not only read and studied this one, but I have also studied the Connecticut report. And while I am on that subject, it has been said that the Maine report is the same as the Connecticut report. If you would read the 20 reports that this same outfit made, you would find that the format is the same, it is the same thing as the Creassey, McCormack & Badger Report that was made when I was Chairman of the Research Committee. Fourteen other states did it. The format of that report is the same as the other states. It would have to be. If you could see the Connecticut report, you would see that the only difference insofar as the makeup of the report is in the index.

Now, I presented a bill this week. And going along with the — it would have been very embarrassing to me — it is a very, very complicated bill. But I understand the bill, because it concerned itself with the famous objection I have had for so long, the Special Revenue Account, which is, in my opinion, outside of the Federal Funds, about \$120 million in slush fund money. I get a return from one of the employees of the leadership, and rightfully so, concerning the bill, L. D. 2406. And I took it upon myself last night to take the comments as made by — I believe Miss Havens was in on it, who is very, very capable, and Mr. Briggs, who discussed it with me, brought me this.

I studied this commentary from these very capable on our staff, or your staff. I studied the Cost Management Survey Report and I studied the bills. I am saying right here and now and challenge anybody to look this over, look the bill over, and look the report over, and they would have to agree with me that the bill was absolutely not drafted in accordance with the report. And in my opinion that is unfair. That has not been done once; it has been admitted by the director of the Task Force that drafted this report, it has been admitted publicly, that on one instance or more that legislation was not drafted up against the report, and the one was the big one. That was the finance administration. This one is the second one. This one involves taking off the federal funds \$120 million.

Now, I want to stand and ask you people, and I am in no way being critical, somewhere along the line we have got to fish and cut bait. The gentleman from Eagle Lake, Mr. Martin here says we haven't done anything for the last few weeks. Well, I sensed that we were not doing too much I think about three weeks ago. But certainly somewhere along the line there is always some good that comes out of something — and then I like a good rhubarb. I wasn't particularly happy about yesterday's charade. Ordinarily, I would join it, but I just wasn't happy about it. But it shows we accomplished a little something from it. Because we have all got to admit that today we put in three days in accordance of the previous days that we put in, if you are going to tally them up, not only in time but work accomplished. And I certainly hope that when you meet Monday, there are two things that are accomplished: One, with these bills, and these bills that were not drafted up against the report, should be brought back and should be redrafted up against the report. Number two decide once and for all what bills you are going to entertain at the session, what bills you are not going to entertain and set them to one side temporarily or put them to one side for the next session. I think if you accomplish these two purposes, you not only will take clouds away, but what you will accomplish is saving at least one month. And, yes, I could say maybe six weeks in adjournment.

I am not speaking for the Appropriations Committee, I do not have a right to. But I did converse with the chairman yesterday, and it would appear that it is possible that the Appropriations Committee would have their work done in two weeks if you leaders do your work Monday night. It could well be that you could save that time. And the chairmen of the different committees putting their shoulders a little harder to the wheel, although some committees have worked very hard, I think it is very possible, believe it or not, that we would be out of here by March 30th. But I certainly hope that if you people here do not accomplish anything else Monday night, you accomplish the two points that I put over, tried to put over or suggested to you.

Mr. Bragdon of Perham was granted unanimous consent to address the House.

Mr. BRAGDON: With regard to the suggestions of the gentleman from Standish, Mr. Simpson, with regard to meeting with the Longley Commission, I would like to offer this suggestion. I believe the recommendation of the meeting included only the chairmen, perhaps, of the committees involved. I wonder whether you would not consider it might be appropriate to include also the members of the legislature who presented the bills involved. I happen to be one of those who presented one of the bills that came before the Appropriations Committee, and I understand that is one, as well as two others, that went before Appropriations that are included in this 12. I just off-hand seem to feel that maybe those who presented the bills should be entitled to sit in with the chairmen when we have this meeting you talk about.

Mr. Curtis of Orono was granted unanimous consent to address the House.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Like the gentleman from Lewiston, I, too, get very concerned when somebody attempts to quote a document out of context. So that the members of this House can determine for themselves whether or not I have been fair in reading from a part of this letter, I will see to it that it gets distributed in its entirety to all members.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Thank you very much. In reference to the meeting Monday night I have indicated to the members of the team that we would appreciate it if they were also to invite ranking Minority members from the various committees that are involved in the bills. The way it normally works out when you set up this type of thing is that you invite leadership in so that we at this end sometimes sort of get left out because all we get are two representations, two members of the

minority. And that, I am quite sure, they are agreeable to. And that will probably take place Monday evening.

I do agree fully with the remarks of the gentleman from Standish, Mr. Simpson, that we have to have some guidelines from them as to what they would like us to do in terms of priority as most important. There are many of those items and recommendations that are long range and they are going to need much more study than what we can possibly give them the short time we have during the special session. If we can accomplish that Monday evening, I think we will have done a lot, not only in shortening the session but also in enacting more meaningful legislation that comes out of the so-called Longley Commission Report.

I will point out in reference to whether or not the bills are in conformity with the recommendations, it was sometimes very difficult to determine exactly what was being recommended. As far as I know, in the Statement of Facts at the end of each Bill, it specifically was listed whether or not they were in fact drafted in conformity with recommendations, or whether they were diverted somewhat from that recommendation.

For example, I represented another member of the House before a committee on Wednesday, and that particular bill dealt with the natural resources area. There were a number of things in that bill that were somewhat different than what the recommendations had been of the commission. The Statement of Fact spelled that out pretty clearly as to the fact that there were differences. The staff also prepared the same statement in much greater detail, and it spelled it out very clearly so that the committee could make a determination as to whether or not they wanted to go exactly with the commission report or divert from that. I think that was a good move on the part of the legislative staff in preparing that type of thing.

I do want to make one point, though, in reference to what remaining legislation there is. It is important that we enact that legislation or defeat it on its merits, rather than simply based on whether or not it is a recommendation of the

commission, just because I recommended it or someone else recommends it or whether it contains the name of a commission or not that is not important. It is whether or not we feel that the people would be better served with what we enact.

In reference to today's session, I do agree that this, by far, is probably our best legislative day. I think Monday and Tuesday, from what I see on the table and also other items coming, will probably be the same, and I think we are going to start to move in full force.

I just want to point out that without the cooperation of the members of the House, who sit as members of the committees whose chairman we do not control but is a member of the other body, it is most important that if necessary you scream, holler, kick him in the shins in order to make sure that we proceed smoothly.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have heard mention several times of a meeting Monday night apparently between the leadership and the Longley Commission. Now the Associated Industries is supposed to have a meeting at the Civic Center at 7:30 Monday night with Mr. Longley and six members of his team. Now are you meeting before or after the Associated Industries meeting, and if you meet before, will there be any input at that meeting at what you have arrived at?

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

Mr. MARTIN: Mr. Speaker and Members of the House: We will be meeting before that meeting. It is my understanding that hopefully some of the things which we come up with will be something that they can also discuss at this 7:30 meeting.

The gentleman from Standish, Mr. Simpson, can probably elaborate more on that.

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

Mr. SIMPSON: Mr. Speaker and Members of the House: That is correct;

we are scheduled to meet with them at 5:30. It is undecided as of this time just exactly what type of a meeting we are going to have. Whether we are just going to go over and have some type of a lunch or heavy dinner or what, because they are meeting at 7:30 had already been previously scheduled. I think, as I read the paper this morning, that they would like to have as many legislators who would like to attend as possible be at the AIM meeting at the Civic Center. In fact, I plan to go to the 5:30 meeting, providing we are out of here, and I am also going to cancel another appointment I have that evening because I would like to go from there to the AIM meeting. I think we are in such a position right now that we have got to follow this thing through and come up with some type of a solution to it.

I believe that the gentleman from Perham, Mr. Bragdon, has made a very good suggestion. I don't have the list of the 12 priority bills here before me. I did present them in my caucus yesterday. If anybody would like to come to my office to know - I do have them. If anybody is the sponsor of these, then they can contact me and as soon as this meeting is over I will call over to their office and see if they would object, and we do need to know this right away because they have numbers that they want to guarantee. You have L.D.'s 2387, 2359, 2388, 2398, 2406, 2410, 2417, 2425, 2437, 2448, 2454, and 2458.

I just have one correction I would like to make while I am on my feet, and that is to the gentleman from Lewiston, Mr. Jalbert, and that is that the staff that belongs to legislature are not the employees of the leadership. They happen to be the employees of the entire legislature and they are at your disposal. I would have to concur wholeheartedly with his statement in the ability of the staff, especially in the ability of Suzanne Havens who has done just an incredible job trying to assist us with this thing.

I am going to take just a little bit of time as a backup here to tell you what we have gone through with this. When the report came out, we immediately met with the Governor's staff and our staff to try and determine just exactly who was going to draft the bills and what we had

for time frame. We met at the Blaine House and it was pretty well resolved that we would try to break — they first wanted to break this down into three bills; one, for constitutional amendments; and then two would be for the appropriations, three would be the other ones. Naturally, we disagreed with this. We finally got it down at least into 80 bills and in the categories. We were going to do the drafting within our staff and in turn the Governor's Office decided they wanted to do the drafting, and it was so done.

The drafting is before us now and we have had our staff at the present time, as I said, working on this thing. I don't know how many hours, but there has just been a tremendous amount of man hours devoted by our staff way and above any 40 hour week that you will ever see just to try to help you with this thing and try to get the legislature's role into this management report.

Mr. Silverman of Calais was granted unanimous consent to address the House.

MR. SILVERMAN: Mr. Speaker and Members of the House: Whereas the chairman of the State Government Committee started this on the Longley Report, I would like to say one thing. I have sat on State Government and I realize the significance of the Longley Report, but unless someone gives us both sides of this during our hearings, it is almost impossible for us to come up with any other decision than we have in State Government with the dismissing of the bills we have, and the key thing has got to be someone with knowledge of the Longley Report, being able to present their side of the bill, because we are getting one side and one side only. I hope you will come up with this answer before we take on other bills.

Mr. Whitzell of Gardiner was granted unanimous consent to address the House.

MR. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the 27 people today that opposed the move to finance the spruce budworm spraying program for one more year. I stand here today to do one thing, that is to make those people aware that if we

are going to continue spending the taxpayers' money in the State of Maine to take care of one particular industry, then I can't go along with it, and I doubt whether this House will again vote any appropriations to spray for spruce budworms.

One large paper company reported earnings this year of \$62 million, and if that paper company can't afford to pay its fair share of taxes. I don't believe that the tax structure that we have now on wildlands is adequate, and I would guess

that it is not up to the poor people in the State of Maine to subsidize these large corporations. That is the reason I voted against it, and I would hope that the next time that this question comes before the House, if it ever comes before the House, that we will have the good sense to defeat it.

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, February 11, at four o'clock in the afternoon.