

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

Tuesday, February 12, 1974

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

Prayer by the Rev. Titus J. F. Oates of Camden.

The journal of yesterday was read and approved.

Order Out of Order

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

ORDERED, that Robyn Ann Fillmore, Linda Fillmore, Shelly McKinnon and Cathy McKinnon of Freeport be appointed Honorary Pages for today.

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

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Joint Order: (S. P. 889)

WHEREAS, mass transit has the unique potential of reducing energy consumption, environmental pollutants, traffic congestion and the number of lives lost and injuries received in private automobiles; and

WHEREAS, capital resources are urgently needed which can be met on a matching basis to reverse what has been a declining role in Maine's mass transportation system; and

WHEREAS, a safe, reliable and inexpensive means of mass land transportation is considered essential for the welfare of the citizens of this State and for the developing of its resources, commerce and industry; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs of the First Special Session of the One Hundred and Sixth Legislature report out a bill to establish a Maine Public Transit Fund for the purpose of creating a partnership which permits the local community, through state financial assistance, to exercise the initiative necessary to establish efficient, safe and convenient mass transit services.

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 Thursday, February 14.)

From the Senate: The following Joint Order: (S. P. 900)

ORDERED, the House concurring, that the Joint Standing Committee on Transportation is directed to report out a bill authorizing the Secretary of State to extend expiration date of all motor vehicle registrations under emergency conditions.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I speak in favor of this order, and since many of you no doubt have been questioned many times about the subject, I would like to give you a brief explanation.

We started working on our new plates last summer, and everything was going along very well. As a matter of fact, they were ahead of schedule. But in the plate room, the ventilating system broke down, and in the process of making these plates, they have to use several chemicals, and with no ventilation, it was impossible to work there. So we had to wait for several weeks while a new unit was procured. Then they started again. They were going along all right, and then, in the early fall, the blanking die machine broke down. Now, this machine shears the plates and punches the holes in them. It was bought in 1931. They had to send the die to Cincinnati and procure a new one. And when they finally got it, it did not fit the machines, so they had to send it back. The sum and substance is that because of unforeseen exigencies, many of the plates were not ready. As a matter of fact, this number now runs into several thousands. It certainly is not the fault of the individual car owners, because many of them sent their registrations in months ago, along with their checks, and all of them, I am sure, are angry with us and with the Motor Vehicle Division because of inefficiency. But it really is no one's

fault. It was a set of unforeseen circumstances, and there is no other way out but to let the Secretary of State extend the date of the expiration of the registrations affected.

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

Mr. DYAR: Mr. Speaker and Members of the House: I don't want to on purpose place the blame on any department here this morning, but I think it should be on the record and I think you people should be aware of the fact that the department responsible for the manufacturing of the plates here in the State of Maine for the past two years have told our committee on several occasions that the manufacturing of license plates should not be done at Thomaston. I feel, individually, that possibly there has been an attempt to sabotage or possibly undermine the program intentionally to possibly have our license plates manufactured in another facility, possibly in the public sector.

I cannot really document anything in writing to this extent, but we have been told on several occasions, verbally, that the department was very distressed that they had to make license plates.

Thereupon, the Order received passage in concurrence.

Reports of Committees Ought Not to Pass

Committee on State Government on Bill "An Act to Consolidate the State Harness Racing Commission and the State Running Horse Racing Commission" (S. P. 864) (L. D. 2433) reporting "Ought not to pass"

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

Leave to Withdraw

Committee on State Government on Bill "An Act Relating to the Maine Development Act" (S. P. 804) (L. D. 2299) 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.

Non-Concurrent Matter

Joint Order (H. P. 1950) Relative to Joint Select Committee on Energy be

Created, which was passed in the House as amended by House Amendment "A" (H-672) on February 7.

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

In the House:

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

Mr. GREENLAW: Mr. Speaker, I move that we insist and request a Committee of Conference and would speak briefly to the motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves that the House insist and ask for a Committee of Conference.

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Last Wednesday, we passed by a substantial margin this order. I would hope this morning that we would insist and ask for a Committee of Conference to see if some compromise or alternative solution could be developed whereby we could see if we could serve the interests of the people of Maine in this energy crisis. All of us, I think, and I am certainly one of those, have been critical of the Congress of the United States for not having the foresight to take appropriate action to prevent what may well turn out to be a catastrophic situation for our country.

If we do nothing in this special session of the Legislature or the rest of this year, I am afraid that we are going to be subject to the same criticism. In fact, I would quote from an editorial in the Maine Sunday Telegram this past week. It is entitled, "Off Your Duffs, Legislators."

"With 30 days into the emergency special session at \$12,000 a day, the Maine State Legislature still has done nothing whatever about the only real emergency facing it — energy. The legislature should this week pass legislation giving emergency powers to the Governor to deal with the gasoline shortage. We have had examples galore from other New England States of the crisis proportions the gasoline shortage can reach, but Maine lawmakers bicker over whether to allot \$45,000 in salaries to the Fuel Allocation Office. For \$12,000

a day, the State Legislature should better serve Maine. If they keep up this shilly-shallying, the Maine Legislature will be as useless as the United States Congress has been in acting to relieve the energy shortage."

Mr. Speaker, I hope this morning that we make an effort to serve our people by passing this order. When the vote is taken, I request a roll call.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to recede and concur, as much as I probably would like to. I am willing to take and go with the motion to insist and ask for a Committee of Conference. But I just can't stand here and let it be placed in the record the editorial comments of the Gannett papers; namely, the Maine Sunday Telegram, for the statements that they made last Sunday. I believe the people in this state elect us, and we don't have to answer to the Gannett papers at any time, and we shouldn't.

I think the way the Gannett papers have acted in the last few months relative to many of their editorials has been a complete indictment on the legislature and it should stop. I personally believe that what they should do is start to build the image of this legislature instead of continually tearing us apart, and I think they did just that last Sunday, and unjustifiably.

I believe that when we take a look at what we have done up here, I think it will go down as a session of accomplishment. I think a lot of us would have liked to have gone home earlier, and I think there are a lot of bills maybe in here that didn't need to be in here, but they have been handled. And I don't see right now that what we are doing up here is a waste of the people's money. I am not in favor of this particular order. I think we have got plenty of committees and studies and everything else going on right now, but we in no way should take and pass votes on this floor relative to what the newspapers in this state want us to do.

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 Stonington, Mr. Greenlaw, that the House insist and ask for a Committee of Conference on Joint Order 1950. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dyar, Emery, D. F.; Evans, Farley, Farnham, Fecteau, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Peterson, Ricker, Rolde, Ross, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Wood, M. E.

NAY — Baker, Bither, Bragdon, Chick, Conley, Donaghy, Finemore, Hoffses, Huber, Hunter, Immonen, Lewis, J.; Littlefield, Merrill, Parks, Pratt, Rollins, Shaw, Trask, Trumbull, Willard.

ABSENT — Ault, Cressey, Dunleavy, Dunn, Farrington, Faucher, Ferris, Hamblen, LaCharite, LaPointe, O'Brien, Perkins, Pontbriand, Santoro, Sheltra, Smith, D. M.; Soulas.

Yes, 112; No, 21; Absent, 17.

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

**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:

Business Legislation

Bill "An Act Providing for Maine Motor Vehicle Insurance Reform" (H. P. 1963) (Presented by Mr. Tierney of Durham)

(Ordered Printed)

Sent up for concurrence.

**Consent Calendar
Second Day**

(S. P. 836) (L. D. 2377) Bill "An Act Relating to Fees for Inspection of Elevators"

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

**Second Reader
Tabled and Assigned**

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 895) (L. D. 2488) Emergency

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

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

Passed to Be Engrossed

Resolve to Reimburse Michael Gilbert of Albion for Loss of Poultry by Wild Animals (H. P. 1899) (L. D. 2407) (C. "A" H-678)

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

Bill "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game" (H. P. 1868) (L. D. 2367)

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House:

Last year, this bill was included in the reorganization of the Department of Marine Resources, and I believe that bill was heard before the State Government Committee. And if I can remember, during that hearing I believe the gentleman from Hampden, Mr. Farnham, raised some objections about the Atlantic Sea Run Salmon Commission being placed in that department.

I now note that it is headed for inclusion in the Department of Inland Fisheries and Game. I also note that it is a recommendation of the Maine Management and Cost Survey Commission. Before we engross this bill today, I would like to have perhaps an explanation from some members of this House or perhaps from a member of the Fisheries and Wildlife Committee as to the reasons for the inclusion within the Department of Inland Fisheries and Game as opposed to leaving it as a separate commission.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, poses a question through the Chair to any member who may answer if he or she wishes.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentleman of the House: I am a member of the Wildlife Committee there, and the purpose of this bill is to have a permanent chairman, and the one that would be permanent chairman would be Maynard Marsh, the Commissioner of the Department of Inland Fisheries and Game.

I sat in on two conferences with the federal people about a month back over in the State Office Building, and they were of the opinion that they could function much faster and clearer with National Fish Hatcheries which they are building in Maine and Vermont, also in a cooperative effort with the Canadian Government on a fish hatchery being built in New Brunswick.

The purpose of this thing is to consolidate in one point instead of on a rotating schedule who the chairman shall be of a three-member commission. It was deemed not advisable to do away with the Salmon Commission but to keep it as body per se within the Department

of Fish and Game simply to expedite the program which has now become the whole length of the New England Coast.

One of the purposes here is so that the biologist of the State of Maine can work with the biologists over in New Brunswick. They have found by trapping salmon that some of these salmon have returned in two or in three years full grown instead of the usual cycle of five to six years. They are studying the genes so that they can trap these salmon and then by working these genes into reproduction schedule they hope to be able to return the Atlantic salmon to the waters of Maine on a production schedule of not more than three years. This will expedite this program very much. Also, it will bring in quite a sum of federal money to the State of Maine to carry out this program.

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

Second Reader Tabled and Assigned

Bill "An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of the State" (S. P. 852) (L. D. 2420)

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

Mr. Carrier of Westbrook offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-681) was read by the Clerk.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I will try to be very brief on this amendment. The fact that I present the amendment does not mean that I totally endorse the bill, but I think the concept is there, and if we are to accept the bill, I think that the legal terminology should be straightened out. I refer specifically to the amendment in the last sentence on page two, where in this case the bill says that if the department heads could not collect the delinquent accounts, they would in turn give it to the Attorney General's Office which would require court action to make it necessary to force the payment. Well, this is very clear and in fact, all it

does — it does say that no matter what amount it is that you would have to go to court and collect this. There is no alternative; there is no choice or nothing. In other words, what this could do would be to cost the state \$50 or \$100 in order to collect a \$2 delinquent account. And the Attorney General, under the bill itself, would have no recourse, no other way, even if it is not feasible. He would still have to do it according to law if this is passed.

The amendment here states along the same line, that after the different department heads have tried to collect their money they cannot, then they can refer it to the Attorney General for collection. Now there is quite a difference in the legal terminology here. I think that the Statement of Fact shows that this leaves some discretion to the Attorney General's Office, whether they should go to court action or not. I think this is the way it should be, because we could spend a lot of money collecting some bills. I think sometimes it is much wiser to charge it to bad debts than to anything else.

I think this is a drafting error, and this is all that the amendment is trying to correct. If the bill ever passes, then at least we will have something clear and definite to work with.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I noticed this bill on the calendar this morning, and while I don't really wish to take issue with the unanimous report of any committee in this House, I have some misgivings with regard to what we are doing. And now the amendment which the gentleman from Westbrook offers sort of bolsters up my original thoughts.

I did talk with the State Treasurer, and I got the impression from him that he was not too clear exactly what we were doing in this bill. Now I guess what I am going to say is that I hope that before we accept Mr. Carrier's amendment that somebody would table this bill for a couple of days so that we might get a little better picture of what we are doing.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the adoption

of House Amendment "A" and specially assigned for Thursday, February 14.

Bill "An Act Lowering the Maximum Age of Juvenile Offenders" (S. P. 713) (L. D. 2125) (C. "A" S-339)

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

**Passed to Be Enacted
Emergency Measure**

An Act Correcting Ambiguities in the Statutes Relating to the Maine Guarantee Authority (H. P. 1787) (L. D. 2259)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase Salaries of County Attorneys and Assistant County Attorneys (H. P. 1848) (L. D. 2341) (C. "A" H-666)

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

Thereupon, Mr. Simpson of Standish 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.

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

Mr. ROSS: Mr. Speaker, just a brief explanation of this bill. Our County Attorneys and District County Attorneys have not had an increase since 1969 because we said we were going to set up special districts and this has not come into being. And while we have given other pay increases, they still have not had one. The bill that was presented was

a \$2,500 increase. But the Appropriations Committee cut that down to \$1,000. And I certainly think that they all are deserving of this moderate and modest income, since they have had no adjustment since 1969.

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

Mrs. LEWIS: Mr. Speaker and Ladies and Gentlemen of the House: If I may pose a question, please. Did these County Attorneys run for office under the present salary knowing this was what the salary would be if they were elected?

The SPEAKER: The gentlelady from Auburn, Mrs. Lewis, poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. ROSS: In answer to the gentlewoman's question; yes, of course they did. Like all of these people, they know. But since they had not had an increase before, they fully expected that they would be granted an increase commensurate with the other increases we gave. We did not give it to them. We discriminated against them; although I hate to use that word again, but we did just that.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one point. And that is that prior to, probably a year ago, we had only one County Attorney here. Now we have two, and we are asking for a third one.

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

Mr. DESHAIES: Mr. Speaker, I would like to pose a question to the gentleman from Bath. What is their present salary?

The SPEAKER: The gentleman from Westbrook, Mr. Deshaies, poses a question through the Chair to the gentleman from Bath, Mr. Ross, who may answer if he wishes.

Mr. ROSS: To answer the gentleman from Westbrook, Mr. Deshaies, they all differ from County to County, and they presently go from about \$8,500 to Cumberland County, which is \$9,000.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am reluctant to vote for this increase. And my reason is that in Penobscot County, at least, although we may not have given them all the money they wanted, they have had assistants. And when you put someone in to do the man's job and call him an assistant, it is very similar to a raise in his pay, in my opinion. And I think you look around you will find most counties have been adding assistants recently, and this is very similar to a pay raise.

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

Mr. McTEAGUE: Mr. Speaker, Members of the House: There have been assistants added, for example, not only direct assistants, but also assistant attorneys general.

On occasion I act as attorney in criminal cases representing people charged with crimes. When you are on that side, when I have that hat on, so to speak, there is nothing I like better than an under-staffed county attorney's office. There is nothing I like better in the sense, from that point of view rather than from legislative point of view, of a grossly underpaid county attorney who can't take time to prepare his cases, who is out doing private work. These are all the reasons why this legislature to its credit finally got together and abolished the part-time system. We are going to the full-time D.A. system, my recollection is, January 1, of next year, is the commencement date.

We talk a lot about law and order, and we have obligations in regards to law and order. But law and order means not only passing substantive statutes. It means adequately funding the prosecution of crimes. I can tell you, and I think there is no secret on this, that it is not uncommon for a private attorney representing a defendant in a significant criminal case to receive more for a fee on one case than the county attorney in one of our populous counties like Cumberland, Androscoggin, or Penobscot get in a whole year.

My friends, you have got what you paid for. And the public deserves good

prosecution. And this bill will help along those lines.

In response to my good friend, the gentleman from Gardiner, Mr. Whitzell, on additional assistant county attorneys in Kennebec County my recollection is that the docket time on a simple misdemeanor like drunk driving might run four, five or six months in Kennebec County. This does not help the public. Frankly, it helps the defense lawyer and it helps the person charged with the crime who might be guilty of it.

The system is not a good one. We are switching to a better system in a year. But I think that while we still labor under the present part-time system we ought to try to adequately fund it, because the only gainer, if the system is not adequately funded, is the criminal defendant.

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

Mr. MULKERN: Mr. Speaker, I would like to ask through the Chair for anyone who may care to answer, are these uniform, across-the-board increases for all of the counties, or how were these increases in salary determined?

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

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

Mr. ROSS: In answer to the question of the gentleman from Portland, Mr. Mulkern, the bill as originally presented was not uniform. It varied from county to county commensurate with the salaries they were getting. But as redrafted, by a unanimous report of the Appropriations Committee, it gave the county attorneys a \$1,000 increase when they had requested approximately \$2,500.

The SPEAKER: The Chair recognizes the gentleman from Gardiner, Mr. Whitzell.

Mr. WHITZELL: Mr. Speaker, I would just like to pose one other question through the Chair. I understood Mr. McTeague to say that — and I remember earlier in this session we passed a District Attorneys bill — and I was wondering what the salaries are for the District Attorneys bill that went

through, and which is the first part of my question. The second one is, when are these raises effective? What is the effective date of this raise?

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

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the first part of that question, the salary will be for the full-time district attorneys, \$23,500 a year. In reference to the second question posed by the gentleman, if he would take a look at the Committee Amendment "A" under filing number H-666, it will indicate that the \$1,000 is to be paid in two amounts — \$500 increase from January 1 to June 30, 1974, and the other \$500, July 1 to December 31, 1974.

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

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Carter, Chick, Chonko, Churchill, Clark, Conley, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Parks, Pratt, Rolde, Ross, Shaw, Shute,

Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Carrier, Connolly, Dudley, Dunn, Lewis, J.; Peterson, Rollins, Whitzell.

ABSENT — Crommett, Dunleavy, Faucher, Hamblen, Herrick, LaCharite, LaPointe, O'Brien, Perkins, Pontbriand, Ricker, Santoro, Sheltra, Smith, D. M.; Smith, S.; Tanguay, Trumbull.

Yes, 126; No, 8; Absent, 17.

The SPEAKER: One hundred twenty-six having voted in the affirmative and eight in the negative, with seventeen being absent, the motion does prevail.

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

Passed to Be Enacted

An Act to Provide for Continuation of Service by Cable Television Systems, to Facilitate Compliance with Federal Communications Commission Regulations and to Fix Liability for Cable Television Programming (S. P. 827) (L. D. 2361)

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

An Act to Transfer the Pesticides Control Board to the Department of Agriculture (H. P. 1946) (L. D. 2480)

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat apologetic for rising to take time this morning, but I think something needs to be said on this bill before we pass it.

Last Tuesday this bill received extensive debate and discussion here in the House and passed by an overwhelming margin of 136 to 3. I reflected some on the debate and particularly upon the comments of the

gentle lady from Portland, Mrs. Najarian. On further reflection, I think I find that her arguments were very valid for placing the Pesticides Control Board within the Department of Environmental Protection rather than the Department of Agriculture. It seems to me this morning that we may well be placing the fox in charge of the chicken house, and I question the desirability of such action.

I think perhaps that one of the arguments or one of the reasons why such a large majority were voting to place this within the Department of Agriculture was that this would be placing an additional responsibility upon the Department of Environmental Protection. This is not the case I believe. I believe that basically we are just transferring the responsibilities of two individuals into the Department of Environmental Protection. I hope that as we enact this bill this morning that we are not making a serious mistake we shall regret.

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

Orders of the Day

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

Joint Order (S. P. 896) Relative to Maine Management and Cost Survey Recommendation that Schools in Unorganized Territory be Closed.

Tabled - February 8, by Mr. Simpson of Standish

Pending - Passage

On motion of Mr. Simpson of Standish, retabled pending passage and specially assigned for Thursday, February 14.

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

Joint Order (S. P. 897) Relative to Review of on-going Programs in Instruction of Metric System by Maine Education Council

Tabled — February 8, by Mr. Birt of East Millinocket

Pending — Passage

On motion of Mr. Birt of East Millinocket, retabled pending passage and specially assigned for Thursday, February 14.

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

Joint Order (S. P. 898) Relative to Maine Delegation to the New England Board of Higher Education Review Ongoing Programs Relative to Improving Health Services

Tabled — February 8, by Mr. Birt of East Millinocket

Pending — Passage

On motion of Mr. Birt of East Millinocket, retabled pending passage and specially assigned for Thursday, February 14.

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

Bill "An Act to Repeal Certain Due Process of Law Provisions by Governmental Agencies" (S. P. 717) (L. D. 2129)

Tabled — February 8, by Mr. McKernan of Bangor

Pending — Motion of Mrs. Baker of Orrington that the House accept the Majority "Ought to pass" Report as amended by Committee Amendment "A" (S-341)

On motion of Mr. Simpson of Standish, retabled pending the motion of Mrs. Baker of Orrington to accept the Majority "Ought to pass" Report and specially assigned for Thursday, February 14.

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

Bill "An Act to Clarify Election Procedure Respecting Jury Trials in Misdemeanor Proceedings" (S. P. 751) (L. D. 2161)

Tabled — February 8, by Mrs. Wheeler of Portland

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

Thereupon, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

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

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 8, by Mr. Simpson of Standish

Pending — Passage to be engrossed

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

The Chair laid before the House the seventh 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 8, by Mr. Simpson of Standish

Pending — Passage to be engrossed

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

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

Bill, "An Act Relating to Expunging of Certain Records of Arrest" (H. P. 1957) (L. D. 2492)

Tabled — February 11, by Mr. Simpson of Standish

Pending — Passage to be engrossed

On motion of Mr. Talbot of Portland, retabled pending passage to be engrossed and specially assigned for Thursday, February 14.

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

Bill "An Act Relating to Certain Bureaus in the Department of Finance and Administration" (H. P. 1865) (L. D. 2359)

Tabled — February 11, by Mr. Simpson of Standish

Pending — Acceptance of any Report

Report A "Ought to pass" as amended by Committee Amendment "A" (H-670)

Report B "Ought to pass" as amended by Committee Amendment "B" (H-671)

Report C "Ought not to pass"

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

Mr. KELLEHER: Mr. Speaker and Members of the House: By the looks of all the reports, I move the indefinite postponement of this bill and all its accompanying papers.

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

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

Mr. MARTIN: Mr. Speaker and Members of the House: Would someone from State Government Committee tell us what is going on?

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I thought everything was being tabled this morning.

Seriously, it was my understanding that this was going to wait a bit before we discussed it in any great detail. It is important because it would provide some substantial savings of monies, particularly in the area of the weekly or bi-weekly payroll. Because it is important, there are some other people who want to do some research on this, I would request that somebody table it for one day.

Thereupon, Mr. Kelleher of Bangor withdrew his motion to indefinitely postpone.

On motion of Mr. Birt of East Millinocket, tabled pending acceptance of any Report and tomorrow assigned.

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

Bill "An Act to Prevent Physically Handicapped Discrimination under Human Rights Act" (H. P. 1665) (L. D. 2058) (H. "A" H-668)

Tabled — February 11, by Mr. Birt of East Millinocket

Pending — Passage to be engrossed

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, to be consistent, I move this lie on the table for two legislative days.

Thereupon, Mr. Martin of Eagle Lake requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that this matter be tabled pending passage to be engrossed and specially assigned for Thursday, February 14. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 20 having voted in the negative, the motion did prevail.

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

Bill, "An Act to Clarify the Real Estate Subdivision Law" (S. P. 890) (L. D. 2485)

Tabled -- February 11, by Mrs. Baker of Orrington

Pending — Motion by Mr. Briggs of Caribou that the House adopt House Amendment "A" (H-679)

On motion of Mr. Briggs of Caribou, retabled pending the adoption of House Amendment "A" and tomorrow assigned.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think we have just set a record. We have now retabled 11 or 12 items on the calendar. We have been in about 40 minutes. We have sufficient, it seems to me, to perform. I see no reason why we ought to pursue in this manner. I do not believe that we are moving this session along sufficiently. Certainly by tabling and retabling orders and bills that need not be tabled, we are delaying adjourning, and I would simply ask the gentleman from Standish to tell me why.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would be delighted to answer the gentleman. I don't think we have delayed the session one single bit here today. I think when we take a look at the bills we have here and the orders we have here, sometimes it makes a lot of sense to put them on the table and work them out behind the scenes and try to get them taken care of rather than come on this floor with a lot of debate. I can't see where a lot of debate if that is what he wants — a lot of debate to fill up a record for two or three hours, if that is accomplishing something, I can't buy that. I think we

can accomplish an awful lot more by working things out.

The very first order to be tabled today, I think you ought to take a good look at it. It is the very first time it is before us, and it has got a lot of implications in it, an awful lot of implications in it. We discussed it briefly in our caucus, and our people felt as though they would like to know just exactly what it is, where the bill is coming from just exactly what the bill is going to contain.

We go down into some of the others and the bills in second reading, and the one on education laws, I would like to inform the gentleman, I did it for a young lady in his own party that has got a problem with one of her towns that is meeting today relative to a serious problem, and we can save ourselves a special bill for that and we can put an amendment on right here.

Also, there are a lot of things in the Education Errors and Inconsistency Bill that I think some of us would like to take a good close look at.

The one relative to the delinquent accounts by the Treasurer of State, I think it was well discussed right here on the floor why it should be tabled for one day, for some people to look at.

Under the joint orders, the three joint orders, the very first three on the calendar we would like to discuss with the Education Committee before we take action on them in this particular body.

Item four has still got some problems within it pertaining to the Committee Amendment. Also some members of the committee have asked to have it tabled so that they can try to work this out.

Item six is still a complicated situation. Some people are trying to work on an amendment that is agreeable that can probably save us some time and debate on the bill as it pertains to us.

We get down into item ten, the chairman of the committee still has got some problems with the bill and amendments that they are working with. It is in the position of second reading. I don't know why we should engross it and then have to back it up if we have to put an amendment on it to make it workable.

Item eleven, I think you had an amendment offered to you yesterday that now still needs clarification and work on it. I can't see any reason why we

shouldn't give the opportunity to the gentleman to do it.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Now that all of these items have been tabled, I would like to bring you at least one constructive issue.

Today is February 12, and it is the 65th birthday of the National Association for the Advancement of Colored People, which started in 1909. The NAACP is the oldest and strongest civil rights organization in the country, and in my estimation, the greatest educational institution in this country. It is a multi-racial organization of all colors and nationalities. It is not just a black organization with ideas, with ideas of programs.

Governor Curtis has proclaimed this week, February 10 to February 17, as NAACP birthday week.

I say, it is my feeling and I think the feeling of the other three branches in the state, Bangor, Central Maine and Portland, that we as black people have made more progress in this state than any state in the country with the same population. And the credit just doesn't go to black people; it goes to the people of the State of Maine, whichever color or nationality they belong to.

There will be a program in Portland celebrating this birthday this Sunday at the Great Memorial A.M.A. Zion Church, and if you could possibly make it, or if you would like to find out, please either contact me or come down Sunday.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think it would be appropriate if we were to adjourn today without remembering briefly two other great events in the history of free men. First of all, today is February 12 and the anniversary of Abraham Lincoln, who was one of our greatest Presidents and also one of the founders of the Republican Party. The other thing that is a little more recent but also gives us real pleasure to

remember is that today is the anniversary of one year when our first POW's were returned from Viet Nam.

(Off Record Remarks)

Mr. Dam of Skowhegan was granted unanimous consent to address the House.

Mr. DAM: Mr. Speaker and Members of the House: What I am about to say in one way I enjoy and in another way I do not enjoy. But we have quite a few departments and heads of departments here in the State of Maine, I don't think any of them are underpaid, and I don't feel very good about something when it happens in my area. I am referring to an incident where a local businessman in my area has sent five letters to a department head of this state that is drawing between \$22,000 and \$23,000 a year that has owed a bill for \$10.50 since last July and has received no answer. Then, last Friday, when he went to a small claims court to put it in for collection, he was told that he would have to have a definite home address. Well, this person travels around quite a lot. The reason for what I am saying here this morning in the record is that since some department heads don't answer their mail, and since it is hard for people to collect what is justly due them, I would hope that they would read the record, because if the department head that I am referring to does not settle his account in my town within one week, I shall put a joint order through this House to ask that we withhold the money from that person's salary and maybe it won't pass but at least I will be able to publicize the name right here so that everybody will know what is happening in the State of Maine. Now when they become heads of departments they do not become immune to paying their bills.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I was going to say that the name of Abraham Lincoln always brings me to my feet. I think we need his spirit today. I don't think he was over political in the handling of his problems, even though he was a

Republican. To mollify some of the over enthusiasm of some of my political compatriots, I would like to remind them that Hannibal Hamlin was a Democratic Speaker of this House. He was a Democratic Senator and then a Republican Senator and he was Lincoln's first vice-president. I think perhaps of his democratic history he was dropped by Lincoln after the first term, and Mr. Lincoln, to assure his reelection, ran under the name of the Union Party. He was trying to preserve the union.

Now I would like to quote something that seems to me very appropriate in these times, and that is from his Gettysburg Address, in which we said, "We are testing whether this nation or any other nation so conceived and dedicated can long endure." And I think that is an eternal message which should be taken to heart by particularly our young students today. (Applause)

Mr. Brawn of Oakland was granted unanimous consent to address the House.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House. As I sit here this morning and listen to what Lincoln did, the Waterville Sentinel did the same thing this morning. The Waterville Sentinel is a Guy Gannett paper which has always written up every Democrat every day; the Republicans get very small print. But I was very flattered this morning to read in the headlines, "Republican Committee Chosen at Sunday Caucus. Gentlemen, it was the Democrats, not the Republicans. But down below, here is a little one, "Brawn Leads a GOP Committee." It's small, so gentlemen I got both recognition just the same; they didn't intend to.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until ten-thirty tomorrow morning.