

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 19, 1974

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

Prayer by the Rev. Bruce Meyer of Augusta.

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

The journal of the previous session was read and approved.

Orders Out of Order

Mr. Kauffman of Kittery presented the following Order and moved its passage:

ORDERED, that Robert Pierce of Kittery Point be appointed Honorary Page for today.

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

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

ORDERED, that David, Steven and Christine Pia of Beverly, Massachusetts and Michelle Whitzell of Gardiner be appointed Honorary Pages for today.

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

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

ORDERED, that Rachel Talbot, Karen Cummings, Robin Talbot, Regina Talbot, Pam Cummings, Leonard Cummings of Portland be appointed Honorary Pages for today.

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

Mr. Jacques of Lewiston presented the following Order and moved its passage:

ORDERED, that Marguerite Chabot and Diane Jacques of Lewiston be appointed Honorary Pages for today.

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

Mr. Shaw of Chelsea presented the following Order and moved its passage:

ORDERED, that Sean Carrie of Randolph be appointed Honorary Page for today.

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

Papers from the Senate Reports of Committees Ought Not to Pass

Committee on Health and Institutional Services on Bill "An Act to Expand the Authority of Pharmacists to Dispense Drugs by Their Generic Names" (S. P. 759) (L. D. 2190) reporting "Ought not to pass"

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

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: Prior to the sounding of the gavel, I wished to speak on this bill that came from Health and Institutional Services under 17-A. It was a bill that would have allowed the dispensing of generic drugs by pharmacists, or the so-called substitution of one drug for another or a brand name for generics.

During the advertising bill that we had Thursday and Friday, the subject came up, very often we were talking about generics, the imports, the foreign imports, cheapies, the counterfeits, and I would like to set the record straight. This bill has been reported out of committee with a majority "ought not to pass." The only reason that I signed that "ought not to pass" report was because I do believe that the day will come when we shall pass on this legislation favorably to end the confusion between generic drugs and drug price advertising. Therefore, what happens to this bill does not reflect the unanimous acceptance of the committee that it was a bad bill. The reason I allowed this bill to come out this way was so that it would end this confusion between the two, and I hope that you give credit to the price list and the drug advertising bill to get it out of here, and we will bring this bill back and debate it. It is an entirely different subject.

Mr. Dyar of Strong was granted unanimous consent to address the House.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to state that basically the reason this

report came out of committee unanimous "ought not to pass" was based on the fact that this particular bill allowed a pharmacist to change the prescription that has been written by a doctor. This, in our minds, was extremely dangerous. A doctor would prescribe a certain drug and then the pharmacist would have the right to substitute. I assume that this probably will come up again when we get into the drug advertising bill, but I wanted the record to show that the committee was very distraught with the fact that this would allow pharmacists to act not only as a pharmacist but also to diagnose and override a prescription written by a medical doctor.

Leave to Withdraw Covered by Other Legislation

Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Provide for the Operation of the Maine Criminal Justice Academy" (S. P. 813) (L. D. 2309) 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.

Order Out of Order

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

ORDERED, that Gregory A. Howard of Cundy's Harbor be appointed Honorary Page for today.

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

Divided Report

Majority Report of the Committee on Liquor Control on Bill "An Act Relating to Special Agency Stores and Store Hours under the Liquor Laws" (S. P. 872) (L. D. 2440) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. OLFENE of Androscoggin
SCHULTEN of Sagadahoc
FORTIER of Oxford

— of the Senate.

Messrs. STILLINGS of Berwick
CHICK of Sanford
IMMONEN of West Paris
FARNHAM of Hampden
CRESSEY of North Berwick
FAUCHER of Solon

— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" (S-348)

Report was signed by the following members:

Messrs. KELLEHER of Bangor
GENEST of Waterville
RICKER of Lewiston
TANGUAY of Lewiston

— of the House.

Came from the Senate with the Bill indefinitely postponed.

In the House: Reports were read.

On motion of Mr. Stillings of Berwick, both Reports and Bill were indefinitely postponed in concurrence.

Non-Concurrent Matter

Bill "An Act Lowering the Maximum Age of Juvenile Offenders" (S. P. 713) (L. D. 2125) which was passed to be engrossed in the House as amended by Committee Amendment "A" (S-339) on February 12.

Came from the Senate with that body insisting on its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-339) and Senate Amendment "A" (S-336) thereto and asking for a Committee of Conference.

In the House:

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

Mr. CONNOLLY: Mr. Speaker, I move we adhere.

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

Mr. SIMPSON: Mr. Speaker, I move we insist and join in the Committee of Conference.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House insist and join in the Committee of Conference.

The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure whether all of you are aware of the issue that is before us, but this deals with the bill that we had, I believe it was last

week or the end of the week before that, reducing the age of juvenile offenders. There was an amendment that was introduced in both bodies that would mandate that a juvenile who was guilty of habitual truancy would be liable to be sent to a correctional institution such as the Stevens School or the Boy's Training Center in South Portland.

We effectively killed that amendment here on the floor of this body and sent the bill to the other body where that amendment was adopted and now is back before us. The issue, it seems to me, is whether or not we are going to allow juveniles who "are guilty," and I use that term in quotes, of being habitually truant to be allowed to be sent to an institution like the Boy's Training Center.

It seems to me that if a boy or girl in junior high school or grammar school or even high school has a problem with school that causes him or her to drop out of school or to miss a great deal of school, then our response to society should not be to send that individual to a correctional institution. We have to find other ways to deal with the problem. It seems to me that the problem doesn't lie so much with the individual as it lies with the society or the structure, the educational structure that was set up to deal with this particular person.

I would hope without getting into the bill any further, because I am sure we are going to have another opportunity to debate it, I would hope that you would defeat the motion and then allow me to make the motion again to adhere.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree with the gentleman from Portland, Mr. Connolly, but I think the thing we had better realize right here is that our disagreement between the two bodies is over an amendment. I believe the issue is the entire bill, and I don't think it would be wise on our part to adhere right now because if we do we will find ourselves completely in non-concurrence to such a degree that we will lose everything. I believe that a motion to insist and join the Committee of Conference just might salvage the bill

and possibly our view on the amendment.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: As the sponsor last year of this legislation, let me bring the House up to date. The juvenile age was not raised to 18 until October 3 when it became effective. By November 3 there was already a bill introduced into the Reference of Bills Committee which would have lowered it back to its original 17. I ask you whether or not you really feel that that is a fair test of whether or not it was good legislation. It did pass both Houses. It did have a fair hearing, a much better hearing than it had this last time when there was only one proponent of the bill, and it was the sponsor himself.

Instead of insisting on this with the Committee of Conference, I would rather move that we at this point indefinitely postpone this bill and give it time to work itself out.

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

Mr. McKERNAN: Mr. Speaker, I would like to pose a parliamentary inquiry. After some of the problems we had last year in the procedure, I am not sure what the correct motion is, but I would like to move to insist if that would take precedence over insist and join a Committee of Conference.

The SPEAKER: The pending question now is the motion of the gentleman from Bangor, Mr. McKernan, that the House Insist. The Chair will order a vote. All in favor of the House insisting will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 66 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Standish, Mr. Simpson, that the House insist and join in a Committee of Conference. The Chair will order a vote. All in favor of the House voting to insist and join in a Committee of Conference will vote yes; those opposed will vote no.

A vote of the House was taken.

118 having voted in the affirmative and 7 having voted in the negative, the motion did prevail.

Orders

Mr. Mills of Eastport was granted unanimous consent to address the House.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of pleasure today that I announce that my wife is back and is now in the gallery. She has had a very sick two weeks at home and up here in the motel before she went home. But the part that I would like to speak about is the showing of heart by the members of the House of Representatives, the Senators and all those people in the State House complex that sent her all of those great get well cards. When I got home I found almost a bushel of these sitting on the table, and I wish to thank everybody for what they have done.

On motion of Mrs. McCormick of Union, it was

ORDERED, that Glenys W. Berry of Madison be excused for the duration of her illness.

House Reports of Committees

Leave to Withdraw

Mr. Farnham from Committee on State Government on Bill "An Act Relating to a Maine Resident's Preference in State Employment" (H. P. 1738) (L. D. 2184) reporting Leave to withdraw

Report was read and accepted and sent up for concurrence.

Referred to 107th Legislature

Mr. Curran from Committee on Natural Resources on Bill "An Act to Clarify the Mining Laws" (H. P. 1889) (L. D. 2399) reporting that the bill be referred to the 107th Legislature.

Mr. Trask from Committee on Business Legislation on Bill "An Act Relating to State Examination of Certain Financial Institutions" (H. P. 1890) (L. D. 2400) reporting that the Bill be referred to the 107th Legislature.

Reports were read and accepted, the Bills referred to the 107th Legislature and sent up for concurrence.

Ought to Pass Printed Bill

Mr. Finemore from Committee on Taxation on Bill "An Act Relating to Due Dates of Property Taxes" (H. P. 1903) (L. D. 2411) reporting "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Gahagan from the Committee on State Government on Bill "An Act Creating a Bureau of Institutional Resident Representatives within the Maine Human Rights Commission" (H. P. 1749) (L. D. 2208) reporting "Ought to pass" as amended by Committee Amendment "A"

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-692) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft New Drafts Printed

Mr. Farnham from Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide Original Appointment of Notaries Public and Justices of the Peace by the Governor with the Approval of the Executive Council. (H. P. 1885) (L. D. 2395) reporting "Ought to pass" in New Draft (H. P. 1973) (L. D. 2514) under new title Resolution, Proposing an Amendment to the Constitution to Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor with the Approval of the Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as Provided by Law.

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

Mr. LeBlanc from Committee on Education on Bill "An Act Increasing Borrowing Capacity of School Administrative District No. 25" (H. P. 1909) (L. D. 2445) Emergency reporting "Ought to pass" in New Draft (H. P. 1974) L. D. 2515) under new title Bill "An

Act Increasing Borrowing Capacity of School Administrative Districts Nos. 25 and 42."

Report was read and accepted and the New Draft read once.

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

Mr. Stillings from Committee on State Government on Bill "An Act to Reorganize the Department of Military, Civil Emergency Preparedness and Veterans' Services" (H. P. 1872) (L. D. 2371) reporting "Ought to pass" in New Draft (H. P. 1975) (L. D. 2517) under new title "An Act to Reorganize the Department of Military, Civil Defense and Veterans Services"

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation on Bill "An Act to Correct an Error in the Effective Date of the Law Exempting "Trade-in" Property from the Stock in Trade Tax" (H. P. 1718) (L. D. 2111) Emergency, reporting "Ought to pass" as amended by Committee Amendment "A" (H-695).

Report was signed by the following members:

Messrs. WYMAN of Washington
COX of Penobscot
FORTIER of Oxford
— of the Senate.

Messrs. SUSI of Pittsfield
MAXWELL of Jay
MERRILL of Bowdoinham
IMMONEN of West Paris
FINEMORE of Bridgewater
MORTON of Farmington
DAM of Skowhegan
— of the House.

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

Report was signed by the following members:

Messrs. COTTRELL of Portland
DOW of West Gardiner
DRIGOTAS of Auburn
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes

the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, I move the House accept the Majority "Ought to pass" Report.

Thereupon, on motion of Mr. Drigotas of Auburn, tabled pending the motion of Mr. Susi of Pittsfield to accept the Majority "Ought to pass" Report and tomorrow assigned.

Passed to Be Engrossed

Bill, "An Act Authorizing the Secretary of State to Extend Expiration Date of all Motor Vehicle Registrations under Emergency Conditions" (S. P. 906) (L. D. 2507) Emergency

Bill, "An Act Appropriating Funds to Provide for Secretarial Assistance to the Members of the Legislature" (H. P. 1927) (L. D. 2462) Emergency

Bill "An Act Relating to the Installation of a Uniform Crime-reporting System" (H. P. 1971) (L. D. 2511)

Were 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 Relating to the Statue, "The Maine Lobsterman" (H. P. 1969) (L. D. 2509)

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

Mr. Ross of Bath offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-694) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few remarks concerning the statue of The Maine Lobsterman.

Gathering dust, there is resting in a warehouse in Boothbay Harbor an excellent, large, plaster statue called "The Maine Lobsterman." It was made in the late 1930's by the famous sculptor, Victor Kahill of Portland. It was first displayed in the State of Maine building during the New York World's Fair in 1939. It was later moved to the city hall in Portland. It remained there for several years until vandals started destroying it and then it was moved to its present resting place in Boothbay.

Mr. Kahill, the uncle of one of our competent and attractive committee clerks, Mrs. Marie Brotherton, now employed in the Senate, was world renowned in his field. He studied at the Pennsylvania Academy of Fine Arts, the Boston Museum of Fine Arts and later in Paris, Naples and Venice. His works are now on display in various museums throughout the world.

In 1962 Congressman Tupper sponsored a congressional resolution to have the statue cast in bronze and placed on permanent display at a suitable location in Washington, D. C. In passing this legislation, the Congress stipulated that the cost would have to be borne by the State of Maine. Mr. Tupper was not able to get the appropriation from our state, so the matter was placed in limbo until 1967. At that time, a new street had been built in Washington and named "Maine Avenue." I then filed a bill in our legislature to have it cast for an amount not to exceed \$10,000 and erected at a suitable spot on our avenue. After much consultation and travel, I finally secured the approval of the National Planning Commission and the Washington Commission of Fine Arts. The bill passed both our House and Senate but, once again, died on the Appropriation Table.

Ever since that time the entire subject has lain dormant until last summer when the model, Mr. Elroy Johnson of Harpswell, a lobsterman himself, died. A picture of the statue was once again shown in the newspapers throughout the state. Suddenly, this brought forth numerous inquiries from various organizations which wanted permission to have it cast at their own expense. Most of these came from Portland and its environs.

Mrs. Brotherton agreed with the Department of Marine Resources and me that some appropriate location in that city would be desirable, since her uncle not only lived there but actually did his work there. Consequently, the redrafted bill itself states that this will be the location at no expense to the state.

At the committee hearing many people felt that a copy should also be placed somewhere in our Museum Complex in Augusta. This suggestion was considered favorably but once again

would require a state appropriation. Since I did not want to see the entire project once again die on the Appropriations Table, I decided on the amendment route.

Now if funds are not available, the amendment alone can be killed. In this manner, work can proceed promptly on one permanent duplicate of this treasured piece of art. Now, at last, this most worthy project can actually become a reality.

Thereupon, House Amendment "A" was adopted.

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

Order Out of Order

Mrs. Boudreau of Portland presented the following Order and moved its passage:

Ordered, that Arlene Collins, Priscilla James, Mark McIlwain, Clarence Gibson, Jackie James and Terri Porta of Portland be appointed Honorary Pages for today.

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

Bill, "An Act to Regulate Procedures for Obtaining Short-term Permits for Motor Trucks" (H. P. 1970) (L. D. 2510)

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

Second Reader

Failed of Engrossment

Resolution, Proposing an Amendment to Constitution to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives to One Hundred Thirty-two, and Reapportionment of the House of Representatives before the General Election of 1976; to Provide for Further Reduction of the Number of Representatives to Ninety-nine, and Reapportionment of the House of Representatives and the Senate before the General Election of 1984; to Provide for Annual Sessions of the Legislature and to Limit the Matters which may be Considered in the Second Regular Session; to Establish an Apportionment

Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court. (H. P. 1972) (L. D. 2513)

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

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I wish you would please look at House Amendment "A" under filing 693. This is no gimmick and it certainly is germane because it pertains to the most controversial subject in the proposed package, the Executive Council. The amendment meets all the requirements. It is true reform; it is fairer. It assures a bipartisan Council. It would tend toward better cooperation and less bickering and party favoritism. In the end, it would promote efficiency.

Many of us would like to see the candidates for the Council run and be elected from all of the voters in their county. But, unfortunately, this is not possible under our Constitution. They would have to run from the entire district. So this is neither practical nor logical.

In the beginning, let me state emphatically that my determination is just as staunch as it was last year in July. My courage certainly is undaunted. I wish only to temper my enthusiasm with restraint.

I have no desire to suddenly present an unknown amendment to you, because this really is what is done during the last days of the session when certain people presented to us an amendment setting up a Legislative Council.

I have heard some people boast and say that they had us all fooled. That certainly is not so. I realized many days before and I honestly believe that at the time we could have defeated that, but the opposition of which I was a member

had bad luck. We really weren't quite fast enough on the draw and our head-off man was never recognized. I certainly could have resisted this and insisted on our rights, but at the time I had absolutely no desire to delay the session, and I knew that another time would come. That time is now here because I want you to bear in mind that, among other things, what this proposed redraft does is to still replace our present Council with the Legislative Council.

Although I have this amendment prepared, I am not going to present it right now, but I want you to know that it is in the wings waiting to sneak in if it is needed, and I oppose this bill being passed to be engrossed.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is not often that the Senator from Washington County and myself sign the same report coming out of the State Government Committee. Those of you who have watched my reports also know that in the regular session I signed this particular measure "ought to pass." I reported it out this time "Ought not to pass."

I went through a good deal of soul-searching as the session wore on, the regular session, and every time the vote was taken, I liked it less and less, but I continued to vote the way I had signed. I made up my mind that when it came back again in the special that I would not support it.

One of the things that the Senator from Washington County often says in our State Government Committee deliberations, he wrinkles his nose and he says, "This is just change for the sake of change." I am not sure this is the case, but I do have a number of serious objections to this particular measure. The first and foremost of these is the matter of the single-member districts. We have recently had a Supreme Court decision which holds that single member districts are perfectly all right. You all have received a copy of that report.

The second feature I dislike very much is the reduction of the size of the House of Representatives. This is the House of Representatives. The Representatives

are closer to the people than are the Senators. This bill provides that the next legislature after this one will have only 132 members and that in ten years will be scaled down to 99. I think that is bad.

I would like to see some evidence that a smaller House would produce better legislation. In fact, we have seen some very good legislation go through this body only to be killed in a much smaller body. The only savings that would be here are financial savings, and we could be facetious and set off against the financial savings what it would cost to remodel the entire House of Representatives, taking chairs out, microphones out, fix the board and all the rest of it, but I don't think that is a major consideration. The major consideration is the loss of representation.

The annual session provision in the bill is okay, but we have it right now, so that is certainly no reason to vote for this package.

The abolition of the Executive Council is all right, but what I don't like about that is what it is replaced with. To give the powers of confirmation to the legislative branch in the form of the majority leader, the assistant leader, the Senate President, the Speaker of the House, I think is concentrating too much power in people who are not elected for this purpose.

I can see, not only will we be trading appointments, I can see trading of appointments mixed up with trading L. D.'s and budgets and special gubernatorial programs, and that is bad. I think the rest of the bill is all right.

I would caution also, the Democratic members of this House, that with the new reapportionment plan we stand a very good chance of being the majority party in the next legislature. If we pass this bill, we could very well be giving it away before we even get it. To me, and I know to many other members of this House, including the Republicans, whichever party has control in this body is important. I would urge my fellow Democrats to vote against this package. It is not a reform package; it is a bad deal.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was listening to your repartee with the gentleman from Bath, Mr. Ross. As I understand it, the amendment is not being presented. As I understand it, the gentleman from Bath is against this package. What I think he was trying to tell us is that he probably can find some other vehicle besides this one to tack this on — his amendment — providing it is germane. Is this correct, I would like to ask.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, 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: Mr. Speaker and Members of the House: In answer to the question of the gentleman from Lewiston, Mr. Jalbert, I will reply in the affirmative.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The legislative document which is before us now, the Resolution, is a very important reform measure to change the Maine Constitution. In my opinion, it would make for more responsive government, government which is more reflective and better reflective of the will of the people who are governed and would make the legislature more effective and efficient.

Specifically, the proposal does a number of things. The Executive Council would, indeed, be abolished. The Legislative Council would become the confirming body, and it seems to me that regardless of the partisan overtones that may have been expressed in this debate, there is a logical extension of the legislative power, especially since we find most governmental bodies in this country and other systems which have arrangements similar to ours throughout the world have approval of appointments provided by some organization from the legislative branch.

Next, annual sessions of the legislature would be provided. However, these second sessions would be specifically limited within the Constitution, and I think that is

important to some of us who have been here perhaps longer than we would like to be discussing issues which some of us wonder about their importance in a special session. It would be limited to budgetary matters to those included in the Governor's call, to specific recommendations from the Legislative Council and to study reports made by the joint standing committees.

There are several provisions made for a more realistic and orderly apportionment of the House and of the Senate. Specifically, an Apportionment Commission is provided. That Commission would have to make a report before the second session in which it had an opportunity to, within three days the legislature would have to either adopt that report or the report would become law. This has the specific advantage of removing the Supreme Judicial Court of the state from the situation in which it must itself draw the districts for either the House or the Senate. The Supreme Court would, however, continue to have original judicial review over any questions about the constitutionality of the apportionment plan. The House would be reduced first to 132 for the 1976 elections and later to 99 for the 1984 elections which reduction for 99 would be made after the next regular census.

Single-member districts would be provided. This is a very important issue to me. I think it is to some other members of this body, especially when we consider that some of us represent one community and are expected to represent all of the viewpoints and all of the people within our community, and in my own situation, for example, one citizen of Orono has got only one voice in this House of Representatives where a citizen of Bangor or Augusta or Portland or any one of the communities which has several members in the legislature has as many as 10 or 11 voices in the Maine House of Representatives.

Finally, there is a rather minor provision which provides that the oaths would be taken for Governor and for the Legislature before the Chief Justice of the Supreme Court.

Again, I hope that we will vote favorably at this point in the legislative process so that when the issue comes up

for final enactment where it requires a two-thirds vote, we can debate the issue in its entirety, and I would hope this year or sometime in the future send the matter to the people for their approval.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: To me, the most important feature of this reform package and the one that has the greatest potential for improving the output of this legislature is House reduction. When I ran for the legislature two years ago, I wanted to campaign on this issue. I was talking it over with a friend of mine and he advised me to forget it because, he said, "To most Maine people, reducing the House simply means tearing down the barn and the ell."

I went ahead anyway, and I discovered, not to my surprise, that they did know that the House meant a branch of this legislature and reducing it meant fewer members. I received nothing but a positive response from everybody I talked to about this, and that is people from all walks of life and not merely the League of Women Voters.

I favor House reduction because I believe that with fewer members we could, with a clear conscience, raise the salaries of those remaining to a level somewhat more commensurate with the amount of work involved here. And as you all I think will agree with me, the staff that we hired last session has been a Godsend to the committees, but they are still too few and spread too thin. When we had before my committee a bill to increase the number of commissioners on the Public Utilities Commission, it was brought out that if what we wanted was to increase the responsiveness of this commission, what we needed was not more commissioners but more staff. Likewise, if we wanted to improve the responsiveness of this legislature, what we need are fewer chiefs and more Indians. With fewer members, we could increase salaries and increase the staff at no additional cost to the state. In addition, those remaining could be better informed about legislation that passes through here, and the voters could keep better

track of the performance of their Representatives. In other words, there would be greater accountability, and that's certainly a highly desirable feature in elected Representatives and one that because of recent national events has gained even more importance to the voters. Also, increasing the salaries would allow a greater cross-section of representation of professions here than we now have.

As for the other part of this reform package, I support single-member districts if they are apportioned by bipartisan commissions as this resolution provides, and I support abolition of the Executive Council in transferring its major appointment approval powers to the Legislative Council, and I support annual sessions with limitations on the second year. But since we no longer have the big box, I don't think single-member districts will change the political complexion of this House that much.

As for annual sessions, it is just putting in the Constitution what we have been doing for the past five sessions anyway.

Abolition of the Executive Council will do a bit more to add to the influence of this legislature, but I don't believe all of these changes combined and multiplied by a hundred will do as much to improve the quality of this legislature and the type and kind of legislation we pass out of here as House reduction.

Therefore, although I support all of these major changes, I am most enthusiastic about the House reduction, and I hope you all support this reform package.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am against this L. D. because of the fact that it does reduce the members of this House. The governing powers, if this should happen, will give it all to the cities; the rural districts would have no representation.

Take myself, for instance, I have about a fifty-mile radius to represent at this particular time. I have all I can do to visit these people. Now, if they cut this down and give this area in the rural, that

would give twice the amount of the area which I now have. These people would not be heard of. In the city where you represent only a few streets a district, you certainly can represent them easily, this I grant, but this is not true. I go to my people when they call me; I fight for my people. They know me personally in the rural area, which in the cities is not true, and I hope you will go along with defeating this L. D.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to the gentleman from Orono, Mr. Curtis, in reference to the Reapportionment Commission that this bill provides for. It seems to me that the provisions of this bill call for a different approach to the reapportionment issue than did the so-called reform package during the remainder of the last regular session. So I would ask him to explain this one and also compare it to the one that we had last year.

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would be pleased to explain it. The proposal is one that would provide for a bipartisan commission to be appointed, and that commission would make a recommendation. It would have a year at least in which to work on its proposals, and it would make a recommendation back to — the report actually goes to the Secretary of the Senate, and when that recommendation was made to the legislature, then the legislature would have one month in which to either adopt its own proposal, which could be entirely separate from what was recommended by the commission, or automatically the commission's proposal would become the districting plan.

Now, there is no provision in this arrangement for a direct involvement of the court system at all, except as it might occur with any kind of an arrangement in which someone were to appeal

either the commission's plan of what had been provided by the legislature. In that case, someone could bring an original suit before the Supreme Court of the State of Maine on constitutional grounds and challenge the districting plan.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hold in high regard the gentleman from Orono, Mr. Curtis, although I think he vouchsafed a hopeless cause here this morning, because this bill that we have before us, as Mr. Bustin has stated and Representative Ross has stated, isn't reform at all. It certainly doesn't help the people of the State of Maine, in my opinion, to reduce this House, and I will tell you why. I love this House just like you people here do. We certainly represent the people of this state. We can't be managed by the third House, whatever they call it. You and I are individuals here, we come from all walks of life, and if we reduce the House to 132 or if we reduce it to 99, we are not accomplishing a thing for the people of the State of Maine.

Representative Najarian from Portland said if we reduced it to 132 or 99, then we could possibly - I don't know whether she was using this for an excuse or not, to increase the salaries of the members of this House and I think that they should be increased. But the thing is, we are not doing a service for the people of this state. Every single one of you here, 150 of you besides myself, represent a trend of thought, you represent a constituency that is probably somewhat different from mine and mine from yours. That is why it is good, that is why it is safe. And the magic number 151 has seemed to work very well in this state for a number of years.

We have an upper chamber that is represented, there are 33 over there, and they certainly are outstanding individuals and they represent their areas well, but they aren't, in my opinion, the body of the people. This is the body of the people just like the lower House is in the Congress. To abolish the Executive Council, as Representative Bustin stated, and to give these duties, assign them to the leadership of the

House that is overworked now would be irresponsible on our part.

I think the proposed amendment that Representative Ross has got should go on some bill. The Council should be elected by the majority members in their own counties. It seems like a very reasonable thing, or even elected by the people of Maine. But to accept this package, in my opinion, would be irresponsible. It certainly would not benefit the people of the State of Maine one bit except possible special interest groups.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that legislative reform is not an issue with too much sex appeal, and I received only one communication from a constituent in Bath. He slipped the letter under my door yesterday and I would like to read just one sentence from it. "Frankly, I have always felt that the quality of representation could be elevated in inverse ratio to the number of people we elect to represent us." I agree with him. Under the new reapportionment plan, I have lost 2,900 people out of the City of Bath. I would like to have them back, and I hope the feeling is mutual.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support one portion of this, the end portion to provide that oaths and subscription of office of the Governor, Representatives, Senators should be taken before the Chief Justice of the Supreme Court. The rest of it I consider to be unsupportable at all. If we really want to talk about efficiency in government, the most efficient form of government is a dictatorship. If we want to get right down to it and cut this House down so far that we can get right down to the fact that one person could rule it, run it completely, have only one individual involved in it, that is the most efficient form of government. If anybody thinks that the other body because of its fewer numbers is more representative of the people, they sure don't know what is going on up here. That body is much

more manageable and creative in what it wants to control than this body ever is. I think that we really want to represent the people in Maine and do them a service, let's leave this body just the same size it is now and let's not enslave the people for the next ten years by changing this around in such a manner that they will never know who their representatives are. We will probably set the government of the State of Maine back at least 50 years if we operate on this basis at all. Those of you that want the size change, why don't you change it right here and now. Why not have the courage to do something about it instead of waiting until 1984.

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

Mr. JALBERT: Mr. Speaker and Members of the House: it was only a week or so ago that the leadership of both parties got into a mild bit of discussion and from it grew the words that we had not accomplished too much at this session. I would probably take issue with that, also that we have been here and will be here longer than we thought we should.

I would agree that it being February 19, that the time is upon us now to contribute what we can toward adjournment. I contributed what I could toward adjournment when I appeared before the Reference of Bills Committee by telling them I thought one of my bills had real merit. They believed me because the bill is now signed into law, and it called for an appropriation. I told them that they could withdraw the other bills if they wanted to. And I told them very definitely, Mr. Speaker, in passing, and I was looking directly at you, I felt that they were not of the greatest importance.

I think probably this would be a perfect time for us to save time, because even if this is engrossed today, Mr. Speaker, and am I not correct in saying that when it comes up for enactment you are going to have two thirds of those voting and present?

The SPEAKER: The Chair answers in the affirmative.

Mr. JALBERT: Because it is a Constitutional Amendment, and there is as much chance of getting two thirds of those present on this bauble as I have got

of joining the Republican Party.

I believe in saving time. I don't believe in just talking about it. If this comes back for enactment, it will just get jokers like myself and other fine people on their feet to speak on it. So we might just as well, we have got the laundry into the laundramat. Let's put it in the basket, carry it home, fold it up and put it back in the drawers.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to offer the gentleman from Lewiston a change of enrollment card, but I am afraid I might hurt the chances of getting some votes out of my own party who might disagree with him becoming a Republican.

Ladies and gentlemen, I think there are a couple of points here that ought to be brought up. And if we are going to debate the issue today, now is the time to do it.

First of all, this is an amendment to the Constitution which takes a vote of the people in this state to implement. All it takes is for us to give it to those people to make that determination. And I would be willing to bet money right here and now, you send this package out to the people in November and it will pass two to one. That is my personal conviction. I have talked to a good many people in this state all over this state, and I think it would make an excellent opportunity for us to go right out and campaign on it, including all the gubernatorial candidates.

I was glad to hear for a change that a Democrat, namely, the gentleman from Augusta, Mr. Bustin, stand up and say that the Democrats got a bad deal out of the Republicans.

Furthermore, I would also bring your attention to the Legislative Council. I personally don't care whether the Legislative Council has these confirmation powers or not. We are talking about confirmation of possibly twenty-four people over a four-year period — twenty-four people, if you look at the entire package. Now, I don't know who better represents the legislature than the leadership. We are the ones that you elected into that position. And I would tell you right now that eight of

those people can be removed at any time you want to remove them if you don't think they are upholding your wishes or that they are not supporting your point of view.

I would also call to your attention that it is not the next session of the legislature that will be reapportioned into 132 members on a single-member district plan, but it is the session after the 107th, providing the people pass it and allow this and want it. 99, that does not go into effect until 1984. As to the benefits of the people of the state, I personally believe it would have a tremendous benefit to the people of the state.

I honestly believe right now that this reform package is a good proposal. When I look at the Council I think there is a couple of things right there that I have talked to Council members about lately that even make me more convinced that we ought to do something about it.

First, every time we pass a budget around this place and we say that we only want X-number of dollars to go into some bureau, we no more than leave here when that bureau comes back to the Council and they say, "We have over-spent ourselves; we haven't got money to stay alive for the rest of the four or five months of the fiscal year." The Council gives them the money. That is contrary to legislative intent.

Furthermore, as I said on the floor here the other day, when we say we don't want X-number of new employees in a particular bureau, and they go back to the Council and they say we want X-number of dollars, we will hire them as consultants, that is contrary to legislative intent. I don't believe there is a thing that that Council is doing that we can't do better, and we ought to put it right in the legislative halls right where it belongs.

I am saying that this is a good package; it is a package we should be willing to send to the people of this state and let them make up their minds whether they want legislative reform or governmental reform. And I will assure you if we send it out it will come back passed.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I was surprised Sunday evening.

I have always run from Brewer, and in the reapportionment I was given the town of Veazie. So I went up to their Republican caucus, and I would say that I went in this as kind of a stranger, and they talked about these very matters. They voted in their caucus to send in to the Republican platform a recommendation that the size of the House be reduced. Those people are very, very interested in having a chance to vote on this whole reform package. They say and this is the general run, — I went in, mostly strangers there, and they said that they would welcome and want the opportunity to vote on this reform package.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe the people would vote as intelligently on this Constitutional Amendment as they might if they knew the operations that are carried on in this State House. I had a very vivid example of it in the regular session. I sponsored three bills that would have given a great deal to the people of the State of Maine. They were lobbied almost to death over a weekend and killed in a body of thirty-three members.

A fewer number in either House makes it quite possible for a very powerful lobby to operate in ways that the people of the State of Maine do not recognize.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It may come as a shock to some of you, but I am going to vote against the package this morning, and I am going to tell you why. It has nothing to do with single-member districts. I voted for that before and I probably will continue to vote in that light. But I am concerned about the method of reapportionment. The approach was changed from what appeared in L. D. 2040, as we had finally agreed to, and I was not aware it had been changed until this morning. I do not appreciate the opportunity to get gerrymandered, and I don't think that anyone else does either.

It seems to me the approach, whether it be Democratic or Republican, as to

whether or not the people are going to elect ought to be decided in as fair a way as possible. That is one of the reasons why I oppose the so-called amendment to the reapportionment plan this year. Any group, any political party, can reapportion itself very well provided it doesn't have to worry about anyone else. It can guarantee a majority or minority without a problem at all. The Supreme Court has to be the final say in my opinion. Now, some of you may argue that this is not the way to take, and that it is much easier if the courts never do have to deal with it. But after all, if we can't trust them, who can we trust?

As I view the situation now, the gentleman from Standish and myself can start arguing about who is going to control the legislature next time. But neither one of us is going to be decisive, and neither one of us really has a good idea what Jean Dixon is going to say. We know one thing, that the people will decide come November. They will elect the members of this body. And I think maybe they may just follow the guide of what the people in Mr. Ford's district did in the State of Michigan. But that is my own personal opinion; I don't know that. We have to wait on what the people will do. That is where the power lies.

But the over-all factor is very simply that we ought to make sure somehow that legislative reform gets back to the people.

I think it is a mistake maybe to put all of these into one item and let it ride or fall on that one issue. Many of us can vote for a certain number of these items, and we can't vote for others. I don't see why we cannot simply amend it and put each one up and let the people pick, issue by issue, as to which ones they want. Are we saying that they are not smart enough to do that, or are we saying that we have to work out a deal here before it gets to them? I don't know; I haven't got an answer to that one. We figure that obviously it is better if we put it out in a package.

If the gentleman from Bath, Mr. Ross would ever offer that amendment, I think I would probably — and it were adopted — I must admit I would be rather upset. Because over the years if the Republican Party, or for that matter the Democrats when they controlled it in 1965, had ever wanted to, they could

have elected members of the opposite party, and they could have elected four years ago when Androskoggin County controlled all sixteen votes or so in that county. They could have let the Democrats choose a Democrat to sit on the Executive Council. There is nothing unconstitutional about that. That is perfectly allowable. But the Republican Party was not about ready to do that, and I suspect the Democrats were not ready to do it in 1965. I suspect if we control next time that we might do the same thing. We might say, "Why not for two years, when they have had it for a hundred."

I think somehow we have to figure out a way to let the people vote on the issues. I am not saying that on final enactment that I am going to vote against legislative reform of this kind if somehow all these things are not done. But I, this morning, will not vote for it, if nothing else in the form of protest.

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

MR. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Relative to the major point that the gentleman from Eagle Lake, Mr. Martin, just raised as to change that has been made. I would point out to him that L. D. 2071 was the original document that was issued, introduced by myself, and it calls for exactly the same language relative to the court's position that is in the document we are considering this morning, 2513.

Now as far as the court is concerned, I had hoped that possibly this might be discussed more extensively on enactment. But being as we have gone into it this morning, I will take out some of the comments that I intended to make at a later time.

But I feel that as far as the court's position is, that we as a legislature have a responsibility to solve our own problems. We should not duck out from under them by sending them to the Supreme Court. The court does not wish to be involved in apportionment, and we as a legislature should do everything in our power to insulate the court from the political thicket of our environment. Only by so doing can we always hope to look at the court as the area of last resort and expect it to remain in a completely

non-political and unbiased position. The court's sole functioning in the area of apportionment should be that of judicial review.

I have talked with at least one retired justice of the Supreme Court. I have never talked with a member of the Supreme Court relative to apportionment. But I have talked with one justice who was involved in it back some years ago. He told me very emphatically, I have had letters from him, and he pointed out continuously that the court does not want to be involved in apportionment; they do not want it sent to them; they do not feel it is their responsibility. They feel their responsibility is interpretation of the law. But he also said very emphatically that if you do send it to us we will do it. He said, "We have the courage to face up to our responsibility." But he said, "This is not where apportionment belongs." I believe that it belongs here. I believe that the plan that was worked out last time by the Apportionment Commission worked out very successfully. I think probably the most satisfying thing I found in the whole thing was the comment where they said that the plan which was developed came very, very close to the plan of the Supreme Court requirements. I think it can be done by a commission. Many states do it. The legislature has a right to review it. I see nothing wrong with the system that is used. The fact that it did go to the court is mainly on the decision on the one amendment, whether we should or should not have to have single-member districts.

In reviewing that particular point, the court did not say that single-member districts were illegal or they did not say they were legal. They indicated that no decision had come down from the United States Supreme Court saying they were illegal. They said for that reason the decision on it was a legislative decision. I don't think they took a real position on it. They left the position for a determination of whether we should or should not be divided into single-member districts up to this body.

I think practically every person who has ever reviewed any form of apportionment and has studied it feels that the only fair system is to use single member districts. Political scientists all

over the country have continuously written articles indicating that single-member districts is the only fair way that each person should be represented by his own representative, and he should vote for one representative and one representative alone.

Relative to the reduction of the size of the House, part of the background of that particular issue is to attempt to develop legislative districts in relation to House districts. Prior to 1962, counties could individually have their senators. But because Reynolds Simms decision in which it said both bodies of a bicameral legislature necessarily had to be apportioned on the basis of population, it changed the whole ball game and necessitated crossing both county and in some cases town lines, municipal lines. For that reason, many people who thought that it would be worthwhile to try to develop House districts and then, move from there up one step and put the number of House districts into representative districts; the 109th, 32, and the 99 represent the ability to do this particular situation.

I think there is another issue that we should give serious thought to this morning, and that is the fact that last week we did receive from the court an apportionment plan. Now, to go into that a little more extensively, last spring we sent to the Maine Supreme Court some questions as to whether the Maine Constitution was capable of being used to apportion this House. The Court answered these questions by saying it was apparent it was impossible to apportion this House according to the present provisions of the Maine Constitution.

The decision that we received from the Maine Supreme Court did a thorough job of researching the entire problem of apportionment and how it relates to the State of Maine. And they went back over all of the court decisions over the last 12 years. They also indicated in the decision that we have before us that came in last week that they referred back to the questions that were sent to the court last spring.

The court had followed the guidelines of the Apportionment Commission and did allow the crossing of both county and municipal lines. I think we find

ourselves in a position this morning of having a Constitution that is completely unworkable. And I think that we should give serious thought to the fact that we need to change this Constitution to make it workable according to Supreme Court decisions. Now, the plan that is before us this morning in this bill on apportionment does allow the crossing of both county and municipal lines. I think we should give serious thought to that position too.

Frankly, I hope that you would give this bill enough votes to pass it through to the enactment stage, and then we could give it more serious consideration at that level.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to comment that insofar as breaking this bill up as was talked about by the gentleman from Eagle Lake, and I welcomed his vote, breaking this bill up into individual packages would mean that we would be here until somewhere around September 15. Now, the gentleman goes like this; I go like this. Because I have got other things to do, and I am serious.

Secondly, I would like to address myself to the gentleman from East Millinocket, Mr. Birt, that Friday was Friday. We told him we loved him. Inside the railing the picnic is all over. If Mr. Birt wants single-member districts and would give up his right arm to have them, I don't. Now, as far as my very dear friend from Standish, Mr. Simpson, as far as I am concerned I am amazed to hear him say that he wouldn't offer me an enrollment card because he is afraid that he might lose some friends. As far as I am concerned, I would not make that accusation. As far as he is concerned, I would welcome him if he would move into Lewiston. And I don't think that he would have any other choice anyway if he wanted to live a happy life. But that would be up to him. Some people like to stand alone.

But there is worry if you want to talk politics. There is worry why you want to talk politics. There is worry today as there has been for two weeks. Back a few weeks ago for the first time in 56 years there has been a young Democrat from

Norway, a gentleman from Norway, Mr. Twitchell. Ten days ago we captured a seat in Pennsylvania that we hadn't had for 26 years throughout the country, ward after ward after ward in every city. Kansas has gone Democratic for the first time in the history of the country. And last Friday night Kurt Dieffenbecker, I listened and watched the Vice President of the United States proclaim his friend who is going to be elected to replace him. And for the first time in 62 years, lo and behold, his friend, the Republican, did bite the dust, and we got that seat. There is cause to worry. It might very well be that the situation might be reversed. The gentleman from Standish, Mr. Simpson, might be serious about considering changing his enrollment.

This is not a matter of record. I don't know what the pitch is they are going to use tonight. I don't know what the National Republican Chairman is going to use tonight for an argument, because I heard him last Sunday make the statement how easy it would be to regain Vice President Ford's seat. But I am not here to talk politics.

I am here to talk facts. And the fact of the matter is this, I can dig up the record. And if you will adjourn for five minutes I will dig up a newspaper in which the gentleman from Standish, Mr. Simpson said, "I want single-member districts, period." As a matter of fact, he made the statement he didn't care how long we stay here. Because he was on the other side I would say that as far as I am concerned if he wanted an enrollment card I would preface my remarks by giving him one of my enrollment cards, for the fact I don't know how many enemies you are going to make, Louie, by using this tactic for getting me into the party.

I am wondering just where these messes were a few years ago when I first landed here when there was only 13 of us. I can well remember when a great many of us spent a lot of time in the only place, real hotel available, the Augusta House, where all bills were passed, when I mentioned some two decades ago that we might consider single-member districts. And I was told in no uncertain terms. "Get lost."

You can't win elections by gimmicks; I found that out in the course of time. It is

very comfortable for the gentleman from Standish, Mr. Simpson, to make a lot of statements he makes because he has the members behind him. I think this morning he might be a little surprised, just a little. If he can hold 79 votes together this morning in his party, including him, I will eat this mike, and I will digest it, too.

Now, let's forget these arguments about saying I would hope that this bill would be kept alive until the enactment stage. I vote my left small toe crawling out of my crib for that argument. That is as old a chestnut as the hills. You have hollered about going home. You have hollered about time. Well, let's do it right. Let's start now. And I still would welcome the gentleman of Standish, Mr. Simpson, and I wouldn't insult him either.

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

Mr. ROSS: Mr. Speaker, just in case in my rambling and roving into another pasture to which my proposed, possible, future amendment distracted you, I am definitely and decidedly voting no this morning.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning in opposition to this package. As you know, I am in favor of some legislative reform, but I don't believe this package will do it. I think inserting single-member districts in there is one way of getting this through. People will probably vote on this package if it goes to them, as Mr. Simpson has said, but not realizing the whole intent of this legislation.

I am in favor of annual sessions. And I am in favor of abolishing the Executive Council, but not to give the powers to the Legislative Council.

I, therefore, move, Mr. Speaker, that this bill with all its accompanying papers be indefinitely postponed, and I ask for the yeas and nays.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, moves indefinite postponement of this bill and all accompanying papers.

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

Mr. MARTIN: Mr. Speaker, Ladies

and Gentlemen of the House: I just managed to pick up Monday's copy of the Bangor Daily News. I must admit I am amazed by its headline. And I am sure that maybe it is misquoting our beloved Speaker, when he predicts advances in an address to the Somerset County Republicans at the Madison Grange Hall, and I know that he certainly really doesn't believe that. I do want to point out one thing in here, that it does amaze me to some degree, and I am sure that the gentleman from Cape Elizabeth and I will discuss this at some length later, that I am sure that it is a misprint in the paper that the GOP are given credit for passing the Marine Resources bill, the federal laboratory building at Boothbay Harbor, the Satellite Vocational School, the federal food stamp program throughout the state are credited entirely to Republican passage. I am sure that this is a mistake because most of these were emergency bills and they needed 101 votes, and there are a few of us Democrats who spoke for and voted for these issues. I do point out that papers have a way of giving us the bad mike, maybe, and I am sure that the gentleman from Standish, Mr. Simpson, would agree that politics sometimes get involved when we get out on the campaign trail. I am sure there will be all kinds of reasons why someone voted either way on this particular bill.

But the point, though, that I think all of us ought to remember is very simply this. If I have rambled, I was hoping to make a point and I think I may have made it with a couple people I was trying to make it with, is that in the final analysis the people are going to decide. And if they decide that they want us, that is the Democrats back here in a majority next time, they will do that.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Initially I hope that the gentleman from Eagle Lake, Mr. Martin, also read the last paragraph of that particular article. It is rather interesting. Relative to the comments of the good gentleman from Lewiston, and I appreciate all the kind comments that he has made previously, I was interested in one comment in which he commented about the gentleman from Standish and

his feelings on single-member districts.

I guess the thing I am most surprised at this morning is that for so many years I have found it in the platform of the Democratic party, they have continually opposed the Governor's Council on the floor. I think I read in the paper not too awful long ago that the one desire that the Governor had before he left office was to get one more crack at the abolition of the Governor's Council. Today I find so many members of the Democratic party are embracing the Governor's Council as being a good instrument of government.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I think as we play our game and perform before the press and the public as we are, I think we are mouse-trapping ourselves. I am willing to state frankly that I think it was very poor judgment to introduce a big package like this at a special session, a package in which we are trying to determine things ten years from now when we have so many things to determine right here today. I have a feeling that as time goes on there will be single districts eventually. I have noticed in the increasing numbers of Democrats in our party that they favor single districts, not a majority. I think that perhaps maybe you will want to reduce the number in the House as time goes on. I can't see the philosophy though with trying to use omniscience and all wisdom by stating that in four years we will be 132 and in ten years we will be 99. I think it is asking too much.

As far as the Council is concerned, I have been here quite a while and probably too long, but we spent \$50,000 for a report on reforming our government. We have put some of them into effect. This report was done in the latter part of the 1950's, and they studied Maine pretty well then. And they said, "I don't think you will ever get rid of your Council. You may, but it is so engrained in the State of Maine that you may maybe change their powers, maybe you will elect them in a different way, but I don't think you are going to get rid of your Council."

I could talk and talk and talk. I have tried to study history and sometimes I

think that we ought to study more history to eliminate the opportunity of making the mistakes which have been made in the past. I threatened — excuse me for taking your time — but I threatened to say this on the floor of the House and I am going to say it. I was doing a little research and I read the Inaugural Address of Governor Hubbard of Maine in 1851. And among other things, he said, "We have got to do something to keep our young people in Maine. We have got to develop industry." Here it is 120 years later and we are still saying the same thing. We are still a sparsely populated state with a large geographical area. I think that is the cause of many of our problems, perhaps, but in 1850 we had about 600,000 people, and here today, 120 years later, we are trying to break a million.

I hope we could get on with this special session. I hope we could emphasize the positive and eliminate the negative — that old song we used to sing. I hope that we can be more efficient in my sense of our country today. They are sick and tired of old type politics. They want straight talking and some sense. And I hope this special session will not go on until June 1.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I may have gotten to my feet a little too quickly. I therefore withdraw my motion to indefinitely postpone. However, I do ask for the yeas and nays and I hope that you vote against this package.

Thereupon, Mr. LaCharite of Brunswick withdrew his motion to indefinitely postpone.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: My position on this package deal has not changed in this session or the regular session. At that time I spoke on the floor of the House and said I had been in contact with my people and they wanted me to vote against any package deals. When anything like this comes along, they requested that I ask that it be broken up into separate bills and decided in that fashion. Therefore, I will vote against this package deal.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman in the corner, Mr. Martin, and the gentleman from Lewiston, Mr. Jalbert, I admire their sign of competence, but I want them to understand that the Republican party is not going to lay down and die and there will be a fight in the next campaign.

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 passage to be engrossed. All in favor of this Resolution, House Paper 1972, L. D. 2513, being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Birt, Briggs, Brown, Chonko, Churchill, Clark, Connolly, Cooney, Cressey, Curtis, T. S., Jr.; Dunleavy, Emery, D. F.; Farnham, Flynn, Gahagan, Garsoe, Goodwin, K.; Greenlaw, Haskell, Hoffses, Huber, Immonen, Knight, Lawry, Lewis, E.; Lewis, J.; Maddox, McNally, McTeague, Merrill, Morton, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Pratt, Shute, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Susi, Trask, Tyndale, White, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Binnette, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Cote, Cottrell, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Farley, Farrington, Faucher, Fecteau, Ferris, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, H.; Hancock, Herrick, Hobbins, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LeBlanc, Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, Mills, Morin, L.; Morin, V.; Mulkern, O'Brien, Parks,

Peterson, Ricker, Rolde, Rollins, Ross, Shaw, Silverman, Smith, S.; Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Walker, Webber, Wheeler, Whitzell, Willard.

ABSENT — Berry, G. W.; Conley, Evans, Hamblen, LaPointe, McKernan, Pontbriand, Santoro, Sheltra.

Yes, 52; No, 90; Absent, 9.

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

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

Mr. JALBERT: Mr. Speaker, I move we reconsider our action whereby this bill failed of passage to be engrossed and when you vote, vote against my motion.

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

Mr. ROSS: Mr. Speaker and Members of the House: I suppose I should vote now for reconsideration so that I could offer my amendment. But I have no doubt that somewhere in this session I will find something germane that I can attach this amendment to, so I will vote no.

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

Mr. FARNHAM: Mr. Speaker, I now move that the reconsideration motion be tabled for one legislative day.

(Cries of No)

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that this matter be tabled pending the motion of Mr. Jalbert of Lewiston to reconsider and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby this Bill failed of passage to be engrossed. All in favor of reconsideration will say yes; those opposed will say no.

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

Sent to the Senate.

**Order Out of Order
Tabled and Assigned**

Mr. O'Brien presented the following Order and moved its passage:

WHEREAS, a House Apportionment Commission was created pursuant to House Paper 1654 of the 106th Legislature; and

WHEREAS, this commission completed its work in December of 1973 and filed a written report at the First Special Session of the Legislature in January, 1974; and

WHEREAS, members of this commission were not compensated for meetings which is common procedure for other groups, but were limited to recovery of their actual expenditures only; now, therefore, be it

ORDERED, the Senate concurring, that House Paper 1654 of the 106th Legislature be amended by striking the 7th paragraph and inserting the following:

ORDERED, that members of the commission be compensated at the rate of \$25 for every day's attendance on days when the commission meetings are held and shall be reimbursed for actual expenses incurred in the performance of their duties; and be it further

ORDERED, that the Legislative Finance Officer be directed to pay all retroactive compensation due members of the commission from the Legislative Account. (H. P. 1976)

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

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

Mr. O'BRIEN: Mr. Speaker, Ladies and Gentlemen of the House: This order calls for the Reapportionment Commission that worked through the summer without compensation to be paid. I don't know what the objection might be to that. I can't find any other commission coming down to Augusta without pay, without compensation for anything they might have accomplished. Maybe I stand corrected.

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

Mr. ROSS: I am a member of the Commission on Probate Law. We certainly receive no pay in addition to expenses.

The SPEAKER: The Chair recognizes

the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I would pose a question. Did the members of that Commission expect to be paid when they accepted assignment on it?

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

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: To answer that question, Mr. Speaker, as a member of that commission I expected to receive the same compensation that leadership receives when they passed the legislative committee to come down to Augusta for the summertime and their bill also called for no compensation, but let leadership stand up here and tell me that they did not get paid.

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

Mrs. LEWIS: Mr. Speaker and Members of the House: I feel I should be consistent inasmuch as I felt that county attorney's salary should not be raised when they knew what the salary was when they ran for the office. I, too, knew that I would not be compensated when I was appointed to this commission, and I did accept the appointment.

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

Mr. DAM: Mr. Speaker and Members of the House: Through the Chair I pose a question. What would be the price tag on this?

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

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

Mr. O'BRIEN: Mr. Speaker and Members of the House: Off hand I can't give you the exact cost, but there was a \$5,000 appropriation that was issued in the regular session of the 106th. I can't recall that we used the entire amount of money. I assume it would come out of that \$5,000.

Mr. McMahon of Kennebunk requested a roll call vote.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland might be some surprised this morning when he finds that I rise to support his order. I quite frankly would like to point out some things and maybe the gentleman from the other corner or somebody else, when I get through, would table this thing for one day.

We, I think, have taken a very, very narrow attitude if we decide that these people should not be compensated for the work they have done. I think it is high time that the legislature started to realize that we are not up here just as public servants, that if you are going to get paid \$25 per diem to come up here and spend 12 to 14 hours to do a job that the legislature has asked you to do and you have accepted it, then I think it is very narrow sighted if this legislature is not going to compensate them.

We take a look at a lot of commissions that we have, we take a lot of committees that we have, and they get paid, including the Legislative Council. I think it would be unwise if we didn't pay them, but quite frankly, I have been trying to go back in my mind and remember just exactly what the Legislative Council did, and I would have to go out and dig out the minutes of the council, but I believe we transferred the commission account over into the legislative account to the point that they were to be paid, and if it were so, they should have been paid up until this time, which would mean the order would not be in order and not necessary. But I am afraid that right as of this moment I don't have those minutes before me to the point where we could justify it or tell you exactly what had happened.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending passage and tomorrow assigned. (A roll call requested)

On the disagreeing action of the two branches of the legislature on Bill "An Act Lowering the Maximum Age of Juvenile Offenders," Senate Paper 713, L. D. 2125, the Speaker appointed the following Conferees on the part of the House:

Messrs. PERKINS of South Portland
MARTIN of Eagle Lake
DONAGHY of Lubec

Passed to Be Enacted Emergency Measure

An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County and Somerset County (H. P. 1687) (L. D. 2080) (S "A" S-346)

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in opposition to this bill. The last time I spoke on this measure, it was my understanding it was going to be recommended to committee to be straightened out if possible. Apparently this has not been the case. An amendment was added on in the other body by a Senator from Cumberland County — I don't know what he has to do with Kennebec County but nevertheless it was put on. And not being an attorney at law, I have to depend on other people for my counsel, so I trotted down to the Attorney General's Office and asked for advice on this amendment that is currently on the bill. The word that came out was that it is horrible. For example, they have changed the thing to say that both counties of Kennebec and Somerset are empowered to operate the solid waste collection system. But before you can operate a system, you have to have the authority to build one or buy land or buy equipment. This authority they do not have. To go on, in the amendment, the way it is written now, Kennebec County could be the dumping ground for the entire state. Now if this is a desirable thing to do, then it ought to be studied and set up statewide, not just for one or two counties.

The third part of the amendment states that the cost shall be assessed on a pro rata basis to each community. I think in doing this they defeat the purpose of the whole thing which was to be able to use federal revenue sharing funds. Apparently the way the thing is written up now, the cost will have to be prorated for each community participating in a system, and they will have to accumulate with the town. It can

not be spent. I would hope that you would vote against the enactment of this bill so that we can work out our differences and perhaps come back in the regular session and have a good bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: As we have said on numerous occasions, this measure is an emergency measure. It is important to Kennebec County and to Somerset County. We hope it will reduce the cost to the communities.

We have to make some decisions and put in a system prior to July 1, 1975. The entire delegation in Kennebec County, both Republicans and Democrats are in support of this measure, except the gentleman from Winslow, and as far as I know the entire delegation in Somerset County, both Democrats and Republicans is also in support of this measure. It is in the enactment state. It has been considered and reconsidered, amended and reamended. A great deal of time and thought and consideration has been given to the measure. As far as I know, it is in perfect shape or at least as good shape as you can put it to provide the flexibility desired. I hope you will vote against it. Did the gentleman from Winslow make a motion?

The SPEAKER: The pending motion is final enactment of L. D. 2080.

Mr. Brown of Augusta 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 passage to be enacted on Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County and Somerset County" House Paper 1687, L. D. 2080. This being an emergency measure, it requires a two-thirds vote of the entire elected membership of 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, P. P.; Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Cooney, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Drigotas, Dunleavy, Emery, D. F.; Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Gahagan, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, V.; Morton, Mulkern, Murchison, Murray, Norris, Palmer, Parks, Perkins, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Theriault, Tierney, Twitchell, Tyndale, Walker, Webber, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Binnette, Boudreau, Carrier, Carter, Clark, Connolly, Cote, Crommett, Curran, Dow, Farley, Fraser, Jacques, Jalbert, Kelleher, Keyte, Lewis, J.; McNally, Morin, L.; Najarian, Smith, D. M.; Talbot, Wheeler.

ABSENT — Berry, G. W.; Berube, Conley, Dudley, Dunn, Dyar, Evans, Gauthier, Hamblen, Kelley, Kelley, R. P.; LaPointe, Mahany, O'Brien, Peterson, Pontbriand, Pratt, Ricker, Rolde, Santoro, Sheltra, Tanguay, Trask, Trumbull.

Yes, 104; No, 23; Absent, 24.

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

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

Emergency Measure

An Act to Clarify Certain Property Tax Statutes (H. P. 1796) (L. D. 2276) (C. "A" H-674)

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. 118 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Providing for Restricted Motor Vehicle Operator's License (H. P. 1755) (L. D. 2214) (C. "A" H-677)

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

Enactor

Tabled and Assigned

An Act to Repeal Reference in Law that University of Maine Officers and Employees are Unclassified Employees of State of Maine (H. P. 1775) (L. D. 2247) (C. "A" H-676)

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

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have the sponsor explain to us what this is about and how it affects vocational education.

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: When the University of Maine was reorganized and became a Super U concept, it is my understanding that there were some points in the law that were not properly clarified. This is one of them.

The law presently states in the unclassified section that employees of the University of Maine are considered unclassified employees. This problem came to light this past summer when the 106th Legislature gave a pay raise to state employees. The Appropriations Committee, it is my understanding, advised the Chancellor and the Board of Directors that they were to take the

amount of money the legislature provided the University and to divide them as salary increases to the classified staff and the faculty as they saw fit. The Chancellor and the Board of Trustees did just that, and there were members of the faculty and professional staff that received less than the 5 percent increase or the eight dollars, whichever was higher or whichever applied to their specific salary bracket.

There was considerable controversy over this. The University claims that the University employees are not employees of the state. I checked this out thoroughly with the Attorney General's Office. He thoroughly agrees. He feels that this was an oversight in the law when the Super U concept was passed by this legislature. He also feels very strongly, this is the Attorney General, this could have been taken care of in the Errors and Inconsistency Bill pertaining to Judiciary.

This bill had a very good hearing. The Vice Chancellor of Financial Affairs of the University appeared before the Judiciary Committee; it received a unanimous report.

To answer the gentleman from Calais, Mr. Silverman's question, it is my understanding it has no effect on the vocational employees of the State of Maine because they, if I understand it correctly, come under the jurisdiction of the State Department of Education, not the University of Maine.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: Since this bill is going to be discussed on the floor, I think it is important that at least one other concept of something that was mentioned is discussed and that has to do with the amount of money that we appropriated last year, an additional sum for faculty and professional salaries at the University of Maine. The amount appropriated was precisely \$1,087,000, which happens to be exactly, according to the estimates of the University administration which provided the figures, as I understand it, and I am not on the Appropriations Committee, but exactly the amount which would have represented a 5 percent increase for all of the faculty and professional people at the University being of course the same

as what we provided for the unclassified employees of the State of Maine.

Now, the interesting thing about the bill and the existing law Title 5, Section 711, I think it is, or maybe it is Title 7, Section 511, I am not sure. The interesting thing about it is the existing law for a long time has called all of the employees of the University of Maine in the unclassified service of the State of Maine. And nobody has really ever known quite what that meant.

Right now there is a lawsuit pending in the Superior Court in Kennebec County provided by one of the organizations in the state, Maine State Employees Association, against the University based upon the definition of that law. I don't think that anything we do here would affect that law suit necessarily, although, after all, of course the entire matter may become moot.

Mr. Silverman raised a very interesting question. I have looked at this for months now, and frankly I do not know what the ultimate effect of the bill will be, but as far as I can see, it is not likely to hurt either the State of Maine or the employees at the University.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I think there are two points that I would like to add to this discussion on this bill before us today, one is that a representative of the Maine State Employees Association did attend the hearing. He was well aware of the testimony involved and it is his opinion, and I refer to Mr. Cantavalli, that this bill would have no effect on the pending suit in Kennebec Superior Court that the gentleman from Orono, Mr. Curtis, referred to.

The other thing that does concern me, very much so, is perhaps legislative intent as to what the university employees should receive for pay increases. While the University of Maine is somewhat a quasi or semi-quasi separate corporation from the State of Maine, I do feel there should be some equity involved in salary raises. There is a subcommittee within the Board of Trustees which is preparing a salary policy that will be uniform and hopefully

used by the Board of Trustees in future salary increases that this legislature provides for state employees and employees of the University of Maine.

I would just reiterate my feeling on this matter. This is basically an error and inconsistency and it clarifies a misunderstanding of the present law.

Thereupon, on motion of Mr. Bragdon of Perham, tabled pending passage to be enacted and specially assigned for Thursday, February 21.

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

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

An Act Relating to Failure to File Annual Reports of Corporations (H. P. 1959) (L. D. 2493)

An Act Clarifying the Provisions of the Waste Water Construction Grant Program and Waste Water Pollution Control Planning Program (H. P. 1960) (L. D. 2499)

Finally Passed

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

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

Orders of the Day

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

Bill "An Act Relating to Transporting School Children to Other Than Public Schools" (S. P. 880) (L. D. 2466)

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

Pending — Passage to be engrossed.

On motion of Mr. Murray of Bangor, retabled pending passage to be engrossed and specially assigned for Thursday, February 21.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until ten thirty tomorrow morning.