

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal  
Augusta, Maine

**HOUSE**

Wednesday, February 27, 1974

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

Prayer by the Rev. Father Hilary Cameron of North Whitefield.

The journal of yesterday was read and approved.

The following Bill, appearing on the Consent Calendar's First Day list, was taken up out of order by unanimous consent:

(H. P. 1978) (L. D. 2520) Emergency, Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 51" — Committee on Education reporting "Ought to pass."

Objection having been noted, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once.

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

By unanimous consent, ordered sent forthwith.

**Orders Out of Order**

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

ORDERED, that Peggy Davis, Moria Douglas, Ollie Dyer and Brenda Terrell of Freeport be appointed Honorary Pages for today.

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

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

ORDERED, that June Twitchell of Norway be appointed Honorary Page for today.

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

Mr. Gauthier of Sanford presented the following Order and moved its passage:

ORDERED, that Christopher Masure, Michael Pelletier, James Bertrand, Denise Chavot, Anita Baron and Rosanne Beaurivage of Sanford be appointed Honorary Pages for today.

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

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

Committee on State Government on Bill "An Act to Create the Bureau of Telecommunications within the Department of Finance and Administration" (S. P. 875) (L. D. 2438) 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.

**Divided Report**

Majority Report of the Committee on State Government on Bill "An Act Relating to Making Certain Boards and Commissions Advisory" (S. P. 874) (L. D. 2437) reporting that it be referred to the 107th Legislature.

Report was signed by the following members:

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

Mrs. NAJARIAN of Portland  
GOODWIN of Bath

Messrs. STILLINGS of Berwick  
COONEY of Sabattus  
FARNHAM of Hampden  
CROMMETT of Millinocket  
CURTIS of Orono  
GAHAGAN of Caribou

— of the House.

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

Report was signed by the following members:

Messrs. SILVERMAN of Calais  
BUSTIN of Augusta

— of the House.

Came from the Senate with the Majority Report read and accepted.

In the House: Reports were read.

On motion of Mr. Curtis of Orono, the Majority Report was accepted in concurrence and the Bill referred to the 107th Legislature.

**Non-Concurrent Matter**

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, which was passed to be

engrossed in the House as amended by Committee Amendment "A" (H-695) as amended by House Amendment "A" (H-699) thereto on February 21.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-695) as amended by House Amendment "A" (H-699) thereto and Senate Amendment "A" (S-363) in non-concurrence.

In the House: On motion of Mr. Morton of Farmington, the House voted to recede and concur.

#### **Non-Concurrent Matter Tabled and Assigned**

Bill "An Act Relating to Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices" (H. P. 1964) (L. D. 2503) which was passed to be engrossed in the House on February 20.

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

In the House:

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

Mr. LEWIS: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Bristol, Mr. Lewis, moves that the House recede and concur.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The sponsor of this measure, Representative Silverman of Calais, is not with us today. I think it would be a matter of courtesy to put this on the table, if somebody would like to make that motion.

Thereupon, on motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Lewis of Bristol to recede and concur and specially assigned for Friday, March 1.

#### **Non-Concurrent Matter**

Bill "An Act to Regulate Procedures for Obtaining Short-term Permits for Motor Trucks" (H. P. 1970) (L. D. 2510) which was passed to be engrossed in the House on February 19.

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-364) in non-concurrence.

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

#### **House Report of Committee Ought to Pass in New Draft New Draft Printed**

Mr. Good from Committee on Fisheries and Wildlife on Bill "An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game" (H. P. 1925) (L. D. 2459) reporting "Ought to pass" in New Draft (H. P. 1987) (L. D. 2531) under same title.

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

#### **Consent Calendar Second Day**

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

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

#### **Passed to Be Engrossed**

Bill "An Act Relating to Hospitalization of the Mentally Ill" (S. P. 908) (L. D. 2512) (C. "A" S-360)

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

Mr. McMahan of Kennebunk offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-711) was read by the Clerk.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is designed to accomplish two objectives. It will allow a person confined to a county jail to apply for informal admission to the State Hospital, and it will help to guarantee that the patient does not suffer inadequate treatment because he or she is admitted during the holiday period.

Ladies and Gentlemen, I am offering this amendment because a constituent of mine found himself caught in these two

areas of the present law and eventually committed suicide by hanging himself in the York County Jail in Alfred.

Yesterday, the gentleman from Portland, Mr. Talbot, distributed to you a copy of a newspaper clipping pertaining to another young man from Gorham who hanged himself in the county jail. My constituent did so one week later. So I am talking about a different person than the one we discussed yesterday.

I have discussed this amendment with both the Senate and House Chairmen of the Health Committee and the sponsor of the bill, Senator Speers. None expressed opposition to it. The hospital administration is also in favor of broadening the present 72-hour law. Ladies and Gentlemen, I hope you accept this amendment and the bill, because I feel both will do much to prevent future tragedies such as happened to my constituent.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

Bill "An Act Establishing a Commission on Maine's Future" (H. P. 1984) (L. D. 2528)

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

#### Orders Out of Order

Mr. Theriault of Rumford presented the following Order and moved its passage:

ORDERED, that Jess Tapley and Diane Harding of Rumford be appointed Honorary Pages for today.

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

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

ORDERED, that Linda C. Rice and Marshall E. Smith of Orono and Cindi M. Cook of Veazie be appointed Honorary Pages for today.

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

#### Second Reader Later Today Assigned

Bill "An Act Relating to Elections to the House of Representatives" (H. P. 1985) (L. D. 2530)

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

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

Mr. McKERNAN: Mr. Speaker and Members of the House: I am having an amendment prepared to this bill which apparently hasn't been distributed yet, and I would like to have this tabled until later in today's session if I could, please.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and later today assigned.

#### Order Out of Order

Mrs. McCormick of Union presented the following Order and moved its passage;

ORDERED, that Louis Jalbert of Lewiston be excused for the duration of his illness.

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

#### Orders of the Day

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

Resolution Proposing an Amendment to the 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)

Tabled — February 25, by Mr. Birt of East Millinocket.

Pending — Further Consideration. (Failed engrossment in the House on February 19. In Senate, passed to be engrossed)

On motion of Mr. Ross of Bath, retabled pending further consideration and later today assigned.

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

Bill "An Act Creating a Bureau of Institutional Resident, Representatives within the Maine Human Rights Commission" (H. P. 1749) (L. D. 2208)

Tabled — February 26, by Mr. Goodwin of South Berwick

Pending — Further Consideration

(Passed to be engrossed in the House as amended by Committee Amendment "A" (H-692)

Came from the Senate with the Bill indefinitely postponed

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, this bill has been caught up in the controversy presently going on with the Human Rights Commission, the Civil Defense Office and several other things happening in the state. Even though I still feel it is a good bill and that it would help various patients in the state institutions, I realize the political realities of the situation and have talked with members of the other body and realize it would never pass down there. So rather than prolong the agony and debate this, I would like to move to recede and concur with the Senate.

Thereupon, the House voted to recede and concur.

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

Resolve Authorizing the Commissioner of Educational and Cultural Services to Convey Certain

Easement Rights at Southern Maine Vocational-Technical Institute in South Portland (S. P. 886) (L. D. 2473) Emergency.

Tabled — February 26, by Mr. LaCharite of Brunswick.

Pending — Motion of Mr. Martin of Eagle Lake that the House reconsider the failure of final enactment.

On motion of Mr. Martin of Eagle Lake, retabled pending his motion to reconsider and tomorrow assigned.

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

Bill "An Act to Increase the Authorized Bonding Indebtedness of the Maine State Housing Authority" (H. P. 1804) (L. D. 2284)

Tabled — February 26, by Mr. Martin of Eagle Lake

Pending — Motion by Mr. Curtis of Orono that the House accept the Minority "Ought not to pass" Report

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: This bill proposes to raise the bonding limit of the Housing Authority by \$40 million, from its present \$60 million to \$100 million. I know that sounds like an awful lot of money, but I would like to quickly point out that at \$60 million our Authority has the smallest organization of any housing authority in the country, except Alaska, and they get special support from the state treasurer.

Actually, as a check or a safeguard, a definite bonding limit is unnecessary for two reasons. One is that the market itself is a limiting factor, and that works this way. Before the bonds are issued, it is standard and accepted practice among financial institutions to locate and line up the mortgages that they are going to purchase. This is done in order to structure the life of the bond to the life of the mortgages. So if there is no demand for housing projects, there will be no mortgages around to purchase and the bonds will not be issued. And if there are no low income mortgages to buy from the banks, the bonds will not be issued. On the other hand, if the demand is there and the Authority has reached its

bonding limit, no new housing for low to moderate income families or the elderly can be financed.

Another effective control on the Authority's ability to issue bonds is the investors themselves. If this Authority or any other Authority is not operating efficiently, investors will not be induced to buy their bonds, particularly on the second issue.

Of the Authority's \$60 million authorization, \$20 million was issued in February of 1972. All of that has been invested in housing. Today, the Authority is signing contracts with their underwriters to issue another \$30 million. This \$30 million is committed to go to 15 Maine banks in return for their VA and FHA mortgages to low and moderate income families. No mortgage is more than four years old. The banks in turn are required to reinvest this money in similar VA and FHA mortgages within three years. This will be monitored by the Authority. The banks are required by contract to report every six months on how their money is being invested.

So, out of the present \$60 million limit, \$50 million has found a home. This leaves \$10 million of that remaining \$60 million authorization, and they have made unconfirmed commitments for that \$10 million, and they are unconfirmed only because of a legal question raised by the Attorney General, and they weren't sure when they would be able to issue their bonds.

I have distributed to each of you a sheet showing exactly where in Maine this money will go and the amount committed for each project. Also, this sheet shows in column 1 where the Authority has used the money from the original \$20 million issue. The second column shows to which bank and the amount the proceeds from the \$30 million issue will go and where the remaining \$10 million of their current \$60 million authorization is committed. So within the next month, it is apparent that their present limit will have been reached. And let me point out here that all the mortgages purchased by the Authority are either insured, guaranteed or assisted by the federal government.

How can they use the additional \$40

million and why do they need it now? Also on the sheet which I distributed, the last column shows where the additional bonding authorization has potential immediate use before the convening of the next legislature. Discussions between the Housing Authority and HUD indicate that a reasonable estimate of the number of section 23 units that could be expected to be allocated to Maine, possibly within the next six months, will total 700 units. That on your sheet is the \$15 million item, and these 700 units would go throughout the entire state.

I passed out another sheet which shows where in the state which towns have priority and where they are likely to go. This would create an immediate need for slightly more than \$15 million in long-term mortgage financing from the Authority. One of the premises on which the federal government will be allocating these units is the ability to provide financing for these developments. If the Housing Authority limit is not raised, we could very well lose 700 housing units this year in just this one program alone. These section 23 units are definitely low income units. The average rent of the units they now have occupied is \$50 a month, which means that in that one quarter of their annual income — this means that their annual income is under \$3,000.

The Maine State Housing Authority has a "AA" rating with Standard and Poor's, and last week was reviewed by Moody and received an A-1 rating. These are the highest ratings given to authorities whose bonds are backed by a moral obligation. So the Housing Authority is in good standing with the rating agencies and with investors.

To vote against this measure would only hurt those families and the elderly in Maine who cannot afford conventional financing. It would obviously be a vote against the construction industry and those workers presently unemployed because of the lack of housing starts, and it would hurt those who supply the construction industry, not to mention lower sales and income tax revenues to the state. After all, \$40 million would be a healthy shot to our economy, particularly this year.

Before I sit down, I would like to point

out one interesting statistic. Indirect housing subsidies, those who benefit mostly are people like you and me, the tax savings we realize by deducting mortgage interest and property taxes from our incomes, those indirect subsidies amounted to \$5.7 billion in 1971. By contrast, directly subsidizing housing, the type that our Authority provides, totaled only \$1.5 billion in 1971. So before any of you that have mortgaged homes vote against this bill to enable the Housing Authority to provide subsidized housing, or housing at lower interest rates, I hope you will keep in mind the hidden subsidy you are receiving. Also keep in mind that all these units can be added to Maine's housing stock at no cost to the General Fund. Keep in mind that at least 700 low income units could be allocated to other states if this limit is not raised.

I repeat once more, the Housing Authority is in good standing financially with investors and with the rating agencies. Since 1972, they have added over 1,000 units with the second issue. And if you support this bill, they will be able to add many more in the remaining months of this year. There is no financial or administrative reason why you should vote against this bill, and there are many sound financial reasons why you should.

I ask you to vote against the pending motion to accept the minority report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge the House this morning to support the motion that is before it. I think that one reason why the State of Maine enjoys the credit rating that it does with the bonding houses in this state is because of the cautious and prudent manner in which we operate.

I was here when the Maine Housing Authority was created. We gave them \$20 million to operate with. The last regular session, as you all know, there was a bill in to increase it to \$100 million. Some of us thought this was rather a high figure to be operating from because no matter what is said, there is a moral obligation presented here by the

members of this legislature in pledging the honest and fair credit of the people of this state in supporting these bonds.

The last regular session of the legislature in its wisdom, we increased it \$40 million. And in my opinion, that was enough money at the present time. I know that the economic situation in the state is rather difficult, it is in an awkward situation, but it is the same elsewhere in the country. The reason we enjoy the rating that we have is because of the prudent manner in which this legislature operates, I would hope, as it has in the past.

I would urge this House to support the motion that is before us this morning.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: What the gentleman from Bangor says is correct. It is important that we proceed cautiously and prudently when we speak of millions of dollars. And because of action of this legislature about a month ago, because we spent a great deal of time and effort trying to iron out legal difficulties that had been created and existed, it was possible for the Maine Housing Authority, or will be possible for them to float the bonds that we have already authorized.

Specifically, I would like to speak to that. The gentle lady from Portland, Mrs. Najarian, has kindly distributed some information which I think is very helpful. If you will look at that, you will see that in that second column is \$29 million, almost \$30 million, that is in the process of being redistributed by the banks of Maine. That is, the State Housing Authority is in the process right now of purchasing existing mortgages, VA and FHA mostly, from Maine savings banks and other lending institutions.

As part of the contract that has been agreed to by the Housing Authority and by those banking institutions, those banks have three years, three years in which to reinvest that money in low and moderate income housing. Now, the three-year limitation is not one that was particularly demanded by the banks, I am told, but was one that was readily agreed to by the Housing Authority



because the Housing Authority understood that it takes a while in the State of Maine to build their houses and particularly to handle the mortgage arrangements that have to be taken care of before houses can be built.

So what I am suggesting to you is, as the gentle lady from Portland has explained, we can expect in six months to get a report back from the banks, the lending institutions, and find out how well they are doing in putting out the \$30 million of mortgage money for additional mortgages. After that first report comes in, the Maine Legislature will go into session again next January, and I would suggest it would be prudent and cautious that before we extend the bonding capacity of the Maine Housing Authority to \$100 million, extending it by an additional \$40 million, we wait until we find out how the existing programs are operating.

I think it is very important that we have housing, and I look with great interest on the fourth column in the list that she has had distributed indicating the \$40 million request, and I would suggest that the Housing Authority, the personnel over there and the people who are involved would like to see some of those housing projects built, pursue the matter, develop the paper work that needs to be prepared and come back next January to the legislature, and if everything is in order and things seem to be working well, and I am back, at least I would be very happy to support an increase in the bonding. But right for now I think I would certainly agree with the gentleman from Bangor, Mr. Kelleher, when he says that it is important that we proceed cautiously and prudently.

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

**MR. MARTIN:** Mr. Speaker, Ladies and Gentlemen of the House: I guess I can't bear to let the moment go by without making a few comments about the remarks by the gentleman from Orono. He indicates that he hopes to be back. Well, I can assure the gentleman that if he votes against this we will be more than happy to tell the people of Brewer how he voted so that this will

have some effect on whether or not he is back. I think it is that important an issue, and I think it is that important an issue that the people ought to be made fully aware of the consequences, and that the gentleman from Orono ought to keep that in mind as we pursue the campaign in November and every member of the House ought to be concerned about it as well, because in the final analysis it is the people who have the right to determine whether or not we have housing in this state.

Let us not forget that Maine is one of two or three — and maybe it is one — I am sorry, it is two others that have any limitations whatsoever upon a housing authority that it has created as far as spending limits are concerned, and this was done purposely in other states. I was a member of a national study that was done a couple of years ago by the Eagleton Institute of Politics at Rutgers that attempted to point out this very thing. One of the reasons why we might well be in trouble in Maine is because of our attempt to place limits on this particular Authority.

As you may well know, we do not have a limit on any of the other authorities in this state. For example, I am a member of the Health Authority which helps hospitals in getting loans. There is no limit there, of course. There is no maximum limit whatsoever. We have already assisted, for example, the hospital that the gentleman from Bangor uses. The Eastern Maine Medical Center is one of those that has been financed by this Authority. That is not really the problem here at all.

We talk about prudent manner in which this body operates. Let's be careful how we talk about this particular problem, because I am sure that some people don't quite agree with that.

The issue that is at stake here today is a very simple one. If the bonds are sold between now and January, there will be no additional funds unless we come back in emergency session or we try to do it at the early part of January in the next regular session. All of us who have been here in a regular session, you are fully aware of the problems in getting geared up to handle any problem, any emergency, because most of the time

people are brand new and they want to look at the whole story and you can't blame them.

The only thing I think we ought to be concerned about is whether or not January 1 there will be funds left. And if there are none, we have no more funds to take care of housing problems, then I think the responsibility lies upon our shoulders and it is up to us to tell the people why and pass the blame to a state agency or Governor or anyone else. The final blame will lie upon us.

The issue of moral obligations of course is one that is often heard, and I am not even sure if any of us will be able to arrive at a decision. We may argue that there is a moral obligation. My sources say that is not the case, that we are not committing ourselves. We are not attempting to place the state's credit at all in any risk. This is not the purpose and of course, as you know, Moody has made our ratings dealing with the Housing Authority pretty secure.

The \$29 million that we are in the process of getting existing mortgages is important, and it is an important figure because that could be used up very quickly. If I had assurances from the gentleman from Orono, Mr. Curtis, that we are not going to and there will be plenty of money left over on January 1, I wouldn't have any problems with this legislation at all and I could vote against it in good conscience and it would not create any problems for me. But in good conscience I can't tell the people of Maine and the people that I represent that I am not sure, therefore I am willing to take a gamble that they are not going to be able to get housing funds to do any construction, and they will just have to wait for the next regular session. I am not willing to take that gamble. I ask you to do the same. That is the issue. When you vote, I ask you to ask yourselves a simple question, Are you willing to take the gamble that we will have funds left in order to get housing going in the early part of 1975? That is all that I am asking.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to make an elaborate a speech as my leader, Mr. Martin. I think he did imply

that if anybody voted against this they wouldn't be coming back, so I haven't taken out any papers to run to come back yet. But I am going to run to come back. And maybe I may be in the same boat as Mr. Curtis from Orono; we may not be coming back. But I am going to vote against this because I think I will be coming back, because I think this is what my people in my town want me to do.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I do think we want to keep in mind that this program does not only buy mortgages from banks, it also finances 23 program projects. And these projects definitely will be lost if we don't have the money available.

You also should note that raising the limitations does not require the Housing Authority to float the bonds. It only gives them that authority to do so if the banks do have the mortgages for them to purchase.

There is one very simple matter here, and that is that this is the only program that the State of Maine has that gets money into housing in this state. And if you vote against this program; if you accept this the "ought not to pass" report; then you are terminating any program that we have in the State of Maine to build more housing for our Maine people. And I don't think this Legislature should be on record doing that. I would urge you to vote against the motion.

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

Mr. CAREY: Mr. Speaker and Members of the House: In caucus yesterday Mrs. Najarian from Portland tried to outline this whole program. And it was interesting to note that she was talking of people who had incomes from \$3,000 to \$13,000, and that the average income of those people that would be served by this came to \$9,300. I don't particularly consider those people low income. If that is the case, then I certainly fit into that category.

One of the things that was brought up is that one fourth of the income, the annual income, was the criteria that was

being used for rent and utilities. Well, one fourth of some \$9,300 income comes to \$250 a month. And it would be interesting to find out how many of you here are paying \$250 a month for your rent and your utilities. I don't think that this does serve the people that we are trying to get at. I don't think that it hits more than ten percent of the low income people. And if we are supposedly doing something in the Housing Authority field we shouldn't be getting involved with the medium income people, we should be directly aiming close to 100 percent of this program at the low income people. And that is why I am not supporting this thing.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment briefly on the remarks made by the gentleman from Waterville because they do hit a very important note that we ought to keep in mind. And I think he raises an issue which all of us ought to be aware of. Keep in mind that there is no such thing as low-cost housing. If you are going to build a house for any length of time, that is going to last, you are going to spend as much money as if you are attempting to keep it going at all. Because very basically it is this; it operates in this fashion; if you build a \$10,000 home it is not going to last 20 years; if you build a \$20,000, obviously, we hope that it will. The point, though, that was made by the gentleman from Waterville, which is most important is this; in order to get real low cost housing for people it is necessary for massive income, either payments being made to people with low income in order for them to pay for the rent or the cost of the building. Or secondly, to very simply make sure that the builder builds the house for half of what it is going to cost him and that the state pays the rest, or the Federal Government.

In some states, in order to insure that, in fact, you do have low income housing, there is a massive subsidy program to do that very thing.

Unless we have—and since we do not have a state program—in order for us to have low income housing in this state,

both rental and owner, we must have state funds, federal funds, in order to assist this. If we do not have the federal funds available under the federal programs then it is not going to work.

Now, you take, for example, FHA, or the so called HUD Program, that attempts to give low income people decent rentals. This is done on the basis of figuring one-fourth of their total income for the month and then they get the rental of the property for that figure. Now we in Maine do not have that type of a program. And, of course, if we did we could be of greater assistance to these people. It is important, however, that we separate the difference between providing, as the gentleman from Waterville points out, quite accurately, that we can not provide that type of housing under our existing law in this State. And the only way, if we want to give housing to people with \$3,000 income, is for us to make massive allocation of funds to take care of the expense of the construction of the buildings. In the past we have not been willing to do that. And by we, I mean the Maine Legislature. We have not pumped in this amount of money we have attempted instead to do it through a Maine Housing Authority, forcing them, however though we say that they have to do low income housing, that they have to break even. Well, you can't build a \$20,000 home and expect a person to be paying \$25 a month rent because they simply won't pay at all.

I think it is important that we differentiate between the two. And if we do want, truly, low income housing we must make a commitment at some point. If not this session, later years, that we are going to, in effect, subsidize the construction of the buildings in order that the rents will be low enough to allow people to get proper housing.

One other thing, for your own information, Farmers Home Administration operates a program of low interest, that is available to people, providing their income is \$8,000 adjusted. And that depends on the number of children that they have and, obviously, on the salary. And then the interest rate is computed from one percent to roughly eight percent as to what they can pay. And the difference

between a one percent mortgage and an eight percent mortgage is really quite substantial. But even people with \$3,000 income can not get a Farmers Home Administration loan and repay it with any security at all, they just won't give it to you.

My final point, and this is really, I think, the most important. In today's market what we are most concerned about is the long term, and of course, what transpires in today's markets is that most banks require a thirty to forty percent deposit. Most people of \$9,000 or less income can not afford to make that type of initial commitment. And this is where, in my opinion, Maine Housing can be of assistance in providing that group of people the opportunity to get proper housing.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake has just given you quite a dissertation on subsidized housing. And I don't think we are really looking at the problem of subsidized housing here today. He just also stated that most banks right now are requiring probably in the neighborhood of thirty percent deposit on loans. One of the failures of the Federal Housing Administration Programs has been in the administration of the projects and this has led private enterprise to get into programs which we call the magic programs, a mortgage guaranteed insurance corporation, to the point that people today can get mortgages for as low as five percent down payment. When you tie this into their income capabilities then it steps up to a ten percent program and it really falls in the same level as the FHA or VA standards. Therefore, the fellow today that is making \$9,000 or \$10,000 does have the opportunity to get into housing. He can't buy into a \$30,000 house or \$35,000 or \$40,000 house, but he can get into a house which is built on the same standards as the Farm Home Administration.

We are looking at a program that is established to low income level for people in this state of \$13,700 and some

odd dollars on a combined income to the point that anybody in this state making that particular amount of money a year is eligible for housing through the State Housing Authority

I think the gentleman from Orono pointed out a very good point. That the banks in this state have committed themselves to sell mortgages. And they can be any mortgage, not necessarily any guaranteed mortgage from the federal government. But the State Housing Authority can buy paper, buy mortgages. And in turn, as part of the contract those banks have got to reinvest that money back into low income housing. Now there is not that much housing being built in this state, as the gentleman said, to the point where this is going to automatically turn over, overnight. And the only part of this bill, when we start talking about building houses, building houses, that is a big difference than apartment complexes. When you are talking about construction level there we are talking about what the banks will be putting out in this particular area. Now a VA mortgage is not necessarily a low income mortgage. It is far from it. Any one of you that are a veteran at one time in your life can draw on that particular veterans benefit providing you were in during the time the benefits were available. And that you don't have to be of low income to get that particular mortgage. So when we talk about veterans mortgages being low income, that is absurd. And when we talk about the Federal Housing Administration Programs being low income, that is also absurd. Because there has been a good many people in this country that have got into the housing market through the Federal Housing Administration. There is a lot of other people that have got through the Farm Home Administration. And please keep the two separated.

Now the Federal Housing Administration Program, under the 235 programs, went down the drain because of poor administration. So did the 236 programs. I think you have seen the buildings in St Louis and around the country where the 236 program was subsidized housing went up with millions of dollars worth of construction. And

what happened? Within months the people that they moved in there completely destroyed them. I had the opportunity during Christmas to take a good look at a couple of them within about five blocks of the Capitol Building in Washington. Brand new construction that today they are putting the dynamite to less than five years later because they have been that destroyed and that kind of deteriorated condition.

Now I think what we are seeing in this state is that we have a State Housing Authority; and I am not particularly interested in killing the State Housing Authority. And I have been on record for a long time saying that. But I want the State Housing Authority efficiently managed. I still am not sure how the gentleman can come over here and tell us he is not broke or that he doesn't have financial problems when he has two bills before the Appropriations Committee looking for funding for operations.

We gave him a bill back here about a month ago that now starts to give him some grounds to operate within. We passed a bill back here about a year ago authorizing him to float \$40 million worth of bonds. Over the weekend we were told that the Attorney General's opinion negated that. I would tell you right now the reasons why he didn't float the \$40 million worth of bonds is because his own bond counsel advised him that he was in the red. And that as long as he was in the red, that he would pay an increased premium for those particular bonds, and they advised him not to go to issue with them. Therefore, they came before the Legislative Council in October and wanted \$150,000. They wanted \$100,000, to quote the Governor, to save the Housing Authority.

They wanted \$50,000 of that money also to go into the industrialized inspection division. Granted, and I will publicly right now state that I think the fellow has done a good job up to a point, but he hasn't proven anything to me yet. There are a lot of problems that he inherited. There are problems that I want to go back into that he inherited, including some problems that he has right over there right now.

I say that he has the vehicle right now for \$60 million worth of bonds in this

state. Twenty million were put out in 1969, or they were authorized in 1969. As of January last year there were still \$8 million of those uncommitted; \$40 million more right now. I say if he can handle \$48 million worth of bonds in new housing programs, in Section 23 programs, which are apartment complexes, and I think he has got a job on his hands, and he has got a few months to do it without another additional \$40 million that's authorized him with right now.

While we are talking about Section 23 programs, let's take a look at some of them they have got serious problems with or have had serious problems with. And there are many areas where Section 23 housing is being authorized by the State Housing Authority where we have right now apartment complexes that are empty, because they are over-building, without giving good consideration as to whether apartment complexes should go in there. They are just going ahead and saying we should put in X-number of apartments to fulfill our allocation out of Washington and, therefore, we will build.

Well, I say we got all the Section 23 housing programs going right now that we need. We got \$60 million worth of these programs. I say, let him handle those, and we will see what he does the next few months. And in the 107th I think I can go out, I am going to run, and I think I can go out and tell my story as to why I voted against this particular bill. I don't think it would bother me a bit, and I think the people will give me more votes for it.

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

Mr. BRAUN: Mr. Speaker and Ladies and Gentlemen of the House: I must agree with the gentleman from Standish and the gentleman from Waterville this morning.

Let's take, for instance, the area of which I represent. I dare say that 80 percent of these people are earning less than \$9,000. Our teachers start below the \$7,000 figure.

Let's take the factory worker who is bringing home four to five thousand dollars. We go to work and build them a house. We'll say I am renting homes.

They are going to take them out of my home and put them in for 40 years? They are going to put me out of business then tax me to pay for him to keep him? I can't see this. And I am going to go along with Mr. Simpson and Mr. Carey this morning, because I believe that a man, a woman that's earning \$9,000 can pay their way and don't need state or federal aid.

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

Mrs. NAJARIAN: In response to the gentleman from Bangor, Mr. Kelleher, I would just like to say that our moral obligation that we have for these bonds with the Housing Authority is not likely to ever be used since they are all guaranteed, assisted or insured by the federal government, and the Housing Authority would still have the real estate besides that.

Mr. Carey, he talked about only one program of the Maine State Housing Authority, and that is the mortgage purchase program with the banks. The Authority is doing all it can within the statutory limits to help low income people. These are all people that could not obtain conventional financing otherwise, and this is giving the money to the banks to release in similar mortgages which they would not do otherwise, because they can make more money by taking out mortgages in conventional housing.

Now, Mr. Larry Simpson says — in response to his problems with this program, the Authority has examined every mortgage they have accepted from the bank, and they have turned back any that did not meet their low income qualification.

Secondly, if you will notice on housing plans to spend the next \$10 million, or the \$40 million request, there is no intention to spend any on Section 235 and 236 housing. Mr. Simpson knows very well that the reason the Housing Authority did not issue their bonds earlier was because the Attorney General advised them not to proceed precipitously, and their commission has been advised, Mr. Mitchell, not to sell the bonds.

As to the \$100,000 request, he should know by now that that is not because

they have a deficit but because they had a cash flow problem. And I would like to point out, that Mr. Mitchell, when he came in in 1972, there was a \$60,000 deficit. And as of January 1, 1974, he had a \$73,000 surplus.

Industrialized housing is a different division altogether. We mandated that they start this program, and we didn't give them any start-up fees, and until they post their rules and regulations there are naturally no fees coming in.

Mr. Curtis says we should proceed with caution. I really see no reason, there is no valid reason why that should apply. Here we have an agency that is dedicated and talented, and competent and thorough. They have done a good job. They want to do more. And we say, "Go slow." Maine needs housing badly. The New England Regional Commission survey shows two years ago that we had 63,000 dilapidated or deteriorated houses.

I hope you will vote against the motion, and I ask for a roll call.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This matter has probably been debated enough already. I rise only to make two points.

One, as far as the last speaker has mentioned, there being no reason to proceed cautiously and slowly, I would suggest that she mentioned one reason in her discussion, that is the fact that we sometimes authorize programs and we don't fund them. And we usually expect another session perhaps we will have enough money to fund a program. That is what happened to the industrialized housing program. Except that, the agency involved, the Maine Housing Authority, regardless of having any funds, decided it would hire people, put them on board, put them to work without having the money to pay them. And that is one of the difficulties that has gotten us into this situation which I am quite ready to say right here that we should proceed cautiously and slowly and prudently, because we are dealing with the good faith and credit of the state. We are dealing with a situation in which an agency of the State of Maine is involved.

The second thing I guess I really

should respond to is, the gentleman from Eagle Lake, Mr. Martin was talking about forthcoming election, and that is true. I expect to be involved. Perhaps he will, too. And I think it is important that we debate any item here on the issue and not be intimidated by any forthcoming election campaign. I don't think my colleagues would expect me or any of the rest of us to be in that situation.

It is true that there are some areas close to my home that are involved. And just like every other area of the state, I would suggest that the people be prepared, that the projects be developed and proposed, and it come back next January. There is not going to be much construction next winter anyway, come back next January, the next session of the legislature, and I would hope we would increase the funding.

Mrs. Najarian of Portland was granted unanimous consent to speak a third time.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: The Housing Authority did not start the industrialized housing program without knowing where the money was going to come from to pay for it. The statutes specifically authorized them to borrow money for any of their authorized purposes. They wrote a letter to the Attorney General asking if this would be permissible. They assumed he would say yes; instead, he said no. That is why they got in trouble there.

Secondly, in response to Mr. Simpson's remarks about so many Section 23 housing unit projects standing empty, I can only say that is because they are not completed and haven't been accepted yet by the Authority.

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

Mr. DYAR: Mr. Speaker and Members of the House: The gentleman from Standish, Mr. Simpson, referred to the condition of the housing in St. Louis and other places.

I was wondering if anybody in the Portland delegation could comment on the existing condition of the federal housing program in the City of Portland as to what is going on down there, the conditions of the buildings, the problems with the tenants?

The SPEAKER: A roll call has been

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Curtis, that the House accept the Minority "Ought not to pass" Report on Bill "An Act to Increase the Authorized Bonding Indebtedness of Maine State Housing Authority," House Paper 1804, L. D. 2284. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bragdon, Brawn, Briggs, Bunker, Cameron, Carey, Clark, Churchill, Cote, Cressey, Curtis, T. S., Jr.; Dam, Davis, Donaghy, Dudley, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Flynn, Garsoe, Hamblen, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Lawry, Lewis, E.; Lewis, J.; Littlefield, MacLeod, McCormick, McMahon, McNally, Merrill, Murchison, Palmer, Parks, Perkins, Pratt, Rollins, Ross, Shaw, Shute, Simpson, L. E.; Snowe, Stillings, Strout, Trumbull, Walker, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Berube, Binnette, Bither, Boudreau, Brown, Bustin, Carrier, Carter, Chonko, Clark, Conley, Cooney, Cottrell, Crommett, Curran, Deshaies, Dow, Drigotas, Dunleavy, Farley, Faucher, Fecteau, Fraser, Gahagan, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Jacques, Keyte, Kilroy, Knight, LaCharite, LaPointe, LeBlanc, Lynch, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McTeague, Mills, Morin, L.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Peterson, Pontbriand, Rolde, Santoro, Smith, D. M.; Smith, S.; Soulas, Sproul, Talbot, Theriault, Tierney, Tyndale, Webber, Wheeler, Whitzell.

ABSENT — Connolly, Evans, Ferris, Gauthier, Hobbins, Jalbert, Kelley, R.

P.; Morin, V.; Ricker, Sheltra, Silverman, Susi, Tanguay, Trask, Twitchell.

Yes, 65; No, 70; Absent, 16.

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

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

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: About a year ago we had the opportunity to stand here and wish a very young lady a happy 38th birthday. Quite honestly, I was a little unprepared this year. I was hoping we wouldn't have to stand here and wish it to her, that we could kind of do it privately, but if the Sergeant-at-Arms would please present our esteemed Clerk a bouquet of flowers on behalf of the House, we would like to wish her this year her 39th birthday. (Applause, the members rising)

Thereupon, the Sergeant-at-Arms presented Mrs. Lincoln with a bouquet of flowers.

Mrs. LINCOLN: I am speechless. This is quite a birthday today, since I was born in 1914. Need I say any more. Thank you very much. But I can still do the Charleston, too. (Applause)

(Off Record Remarks)

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

Bill "An Act Making Current Service Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975" (S. P. 905) (L. D. 2508)

Tabled — February 26, by Mr. Carrier of Westbrook

Pending — Motion by Mr. Simpson of Standish that House Amendment "A" (H-702) be indefinitely postponed.

Mr. Dyar of Strong requested a vote on the pending motion.

The SPEAKER: The pending question is on the motion of the gentleman from

Standish, Mr. Simpson, that House Amendment "A" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 35 having voted in the negative, the motion did prevail.

Mr. Sproul of Augusta offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-706) was read by the Clerk.

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: The primary purpose of this amendment is to reduce the appropriation to the Department of Mental Health and Corrections by \$200,000. I have it broken down over the various institutions, which perhaps you cannot easily follow by the amendment, so let me point out that the intent of this is to reduce the State Prison all other account by \$20,000; the Men's Correctional Center by \$10,000; the Augusta Mental Health Institute by \$60,000; the Bangor Mental Health Institute by \$40,000; Pineland Center by \$40,000; making the total of \$200,000 in the "all other accounts." This would be, as you would notice by the statement of intent, primarily from the food account. This is primarily because of the reduction in population.

If you will note by your budget book, back in fiscal '71-72, when there were something like 3,250 people in the combined institutions, there was a total budget for the Department of some \$24 million. Now, about three years after, we have approximately one third of the number of people in residency at those institutions, and we have a good 20 percent increase in the budget of close to \$30 million. I do not think that this makes basic sense, even if you want to allow for upgrading the services and the inflation. I don't know of any place where we come anywhere near over three times the expenditures in a three-year period, and this is what this adds up to.

The Maine Management and Cost Survey Report, using figures of a year ago December, showed an increase from



the 3,250 to some \$2,737. Projecting that and a thorough study of the food management at all of these institutions — and they have a booklet here about a half inch thick — they projected on food alone that the reduction to 2737 should have meant some \$202,000 for food alone. The fact of the matter is, as of their report last month, the latest one on file, they now only have 2,335 total patients, a reduction of another 400 people. The Management and Cost Survey Report also went on and talked in terms of total savings, adding on other items other than food, and they showed a savings at that level of over a half a million dollars, some \$540,000.

It is very clear to me that we should be talking about millions of dollars here in reductions or return to the General Fund. I submit, the \$200,000 is merely a token to let this department know that the legislature is aware of what is going on at these institutions.

You have heard the figures put out that at Stevens School the cost per person that they are taking care of is some thirty to thirty-five thousand dollars per year. In the local situation in our local newspaper here recently, a few weeks ago it was publicized in the paper that the department had all these facilities and personnel at Stevens and appeared to be seeking some way in which to use them. Apparently there was never any thought of letting anything go back to the General Fund.

More recently they have been to the Augusta School Board, talked with them, and the article in the paper said that they were going to take three students from the Augusta school system at no cost into Stevens for some special training, going on to point out that they had 18 specially trained and qualified teachers down there for 20 students — 18 teachers for 20 students. Somewhere there has to be something unrealistic about that.

In addition to this increase in the Department of Mental Health and Corrections, the people that have been released, we could not get an accurate figure. But when Health and Welfare was before the Appropriations Committee, I asked the question, how many of these people were being picked

up by the Welfare Department to pay for, and they indicated that there would be at least two to three hundred cases that have gone onto their rolls of people that have come out of the institutions. Yet, we are paying an increased budget at the institutions and obviously they are part of the reason for the tremendous increase in the Health and Welfare Department.

I think the problem here is basically that we do not have the opportunity to study these departments. Last year we went onto an annual budget, and it was stated primarily that this was so we could really get on top of some of these things, take a look at them, study them and do something more concrete. Well, reluctantly, I say to you this morning that that was never accomplished. We have not had a chance to look at them, and we are going along with this next one-year budget in the same blind attitude that has been going on for years. And that is not the fault of any one individual or any committee. I am not blaming anyone in particular, but the system must be changed to correct that. And that is the reason why this budget is in here, and that was the general discussion, that we just do not have the answers.

I am sure my amendment is not as concrete as you would like it, but I think it is so conservative, being only a fraction of what we should be talking about, that I would urge you to go along with it.

Mr. Cote of Lewiston presented the following Joint Resolution and moved its adoption:

WHEREAS, the Legislature has learned with much sorrow of the death on February 25, 1974 of Mrs. Helena C. Rogers of Lewiston; and

WHEREAS, this grand lady faithfully served as Claims Deputy for the Maine Employment Security Commission for 24 years, in the office of the Clerk of the House during the 102nd Legislature and had the distinction of being the first woman to serve as a State Liquor Commissioner in the country; and

WHEREAS, in private life Mrs. Rogers was a proud wife, mother and grandmother of 80 years who had been

preceded in death by her husband, Joseph, in 1941; and

WHEREAS, this gracious lady will long be remembered as one of the State's finest citizens whose years of dedicated public service are most significant; now, therefore, be it

RESOLVED: That we, the Members of the One Hundred and Sixth Legislature of the State of Maine, assembled this 27th day of February in Special Legislative Session, tender this expression of sorrow and sense of loss on the passing of the late Helena C. Rogers and in so doing we include the sentiments of all who knew and admired her throughout the Legislature and the several state departments; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately forwarded to the bereaved family in token of our deep sympathy. (H. P. 1988)

The Resolution was received out of Order, read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Dealing with this amendment, the gentleman from Augusta, Representative Sproul, stated this deals on Page 148 of your Maine Cost Management Survey Report, Item No. 40, which was a request to the legislature to expand the line budget to include a category for institutional food expenditures.

And I will read: "This situation could be corrected by providing a separate line item in the budget for institutional food." And it goes on to say as the gentleman from Augusta said, a savings of some \$200,000.

Well, we have discussed this, and we do have a subcommittee of the Appropriations Committee studying this very thing of which Representative Sproul is a member. We did talk to the Maine Cost Management people last Wednesday, and they feel that it would be irresponsible, and the committee feels that it would be irresponsible to arbitrarily take a cut in the food, and

particularly for the reason that the Representative from Augusta, the gentleman, Mr. Sproul, brought up that the decrease in population is there. But certainly none of us can deny that there has been a great increase in the cost of food, a great increase.

So, I would ask for a division on this amendment, and I would hope that you would vote against it.

To go on just a little bit further, just to expand just briefly. I know it is late, but we are going, hopefully, in the program, priority budgeting, and to say that we are not going to get a better handle. This is another cost management recommendation. And we did ask the team if that would satisfy their line budget request, and they said, no. But that was the direction in which they hoped that we would move, and we would be able to get a much better handle on not only food but fuel. Fuel is going to be a tremendous thing in all of the departments in the upcoming year because of the tremendous increase in cost.

So, I would hope that you would vote against this amendment.

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

Mr. CARTER: Mr. Speaker, I move indefinite postponement of House Amendment "B", and I would ask for a division.

The SPEAKER: The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with my colleague on the Appropriations Committee, Representative Norris from Brewer, and I would like to second what he says. This is not really the way to tackle his problem. We have discussed this with Cost Management people. And what they suggest to us is that we go into the form of line budgeting of food items. Arbitrarily cutting is not the answer to solving problems that exist in any institution. We know there are problems, and there are ways that should be utilized. And an arbitrary cut, as I said before, is not the answer. It is true, we have had a decrease in the population figures. But we have also had

inflationary increases in other areas, including food. And those of you who were here prior know that the food in the institutions has never been very desirable. It has always been in the area of soup and potatoes. And we have in the past sessions increased the food allotments so that people in institutions can have decent food. Taking this attitude now and cutting arbitrarily is not going to solve the problem.

I would hope that you would vote to indefinitely postpone this amendment.

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

Mr. SPROUL: Mr. Speaker and Members of the House: My amendment really has nothing to do with the question of line budgeting under the Maine Management and Cost Survey recommendation. That is one thing that was discussed with those people at our committee, and apparently there is some difference of opinion on it.

However, I must disagree with my friend from Brewer, Mr. Norris, that the Maine Management and Cost people said that this was not the way to go about it. The matter of the fact is, my original thought was to go for half of this amount, because as I say, it is only a token to let them know, and it was at their urging that I set the figure at \$200,000. They showed me where they had proved in their minds over \$200,000 on a decrease of some 400 people, and now that has been doubled. There is another 400 people off. So that is not the thinking of the Maine Management and Cost Survey people.

They found in their survey that the Department had spent well over \$100,000 in buying ahead at the end of the year in order to use up the money. They also discovered on visiting institutions, one of them, that there was no concern being taken as to the handling of the food. And the day they walked in there were steaks being thrown away because they had been burned because they had not been paid attention to in the cooking. I think they are highly in accord with this amendment.

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

Mr. NORRIS: Mr. Speaker and Ladies

and Gentlemen of the House: Just briefly, I would simply state again, and I am in no way trying to indicate that the gentleman from Augusta is not stating the truth, but in the meeting, as my good friend, Mr. Carter and the rest of the members that were there last Wednesday, when we did, in fact, ask the Maine Cost Management people if they would agree with an arbitrary cut, they said no. Now, if they have talked to Representative Sproul in the interim, have discussed this with him without discussing it, or discussing a change of their opinion on this with the full committee, I would be greatly surprised. I would be greatly surprised that the Maine Cost Management Survey Team would do this, that they would go to an individual legislator on the Appropriations Committee and ask him to do one thing, and then tell the full committee that it would be irresponsible to do it.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Winslow, Mr. Carter, said that the food has always been, well, almost substandard, like soup and stuff like that. Well, I can assure you that I am very sure that if all of my constituents could have maybe what Mr. Carter refers to as "stuff like that" they would be happy. Because some of the institutions I visited, they have had roast beef, they have had steak, ham, turkey, oyster stew, with plenty of oysters. You don't have to hunt for them. In the morning they have their bacon and their eggs and their ham and their eggs. So they are well fed. They are not living on soup and "stuff like that."

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to you people again for getting into this debate. It seems the problem with Maine was less I think approximately three weeks ago when the Commissioner appeared before the Health and Institutional Committee and stated some 650 people were at the Augusta Mental Health Institute. The following day

Senator Hichens and myself went to that institution at five o'clock in the evening. We checked the head count for that day, and there were 547 people there. Now, the department evidently can lose a hundred people in a twenty-four hour period and not be too concerned about it.

A year or so ago we closed the farm at the Augusta Mental Health Institute. The proceeds from the garden that year were taken to the Augusta City dump by dump truck, placed on the dump and bulldozed into the ground and covered up so that nobody would see it. The farm at the Augusta Hospital was producing the milk, the fresh eggs for the patients. Patients had no restrictions on their intake of milk. I think some of this went to the Stevens School and other institutions. But through the use of depreciation of the farm at the Augusta State Hospital, the farm was closed. I believe the statute said if the property over there was not operating at a profit it could be closed. The first time in the history of the state, the use of depreciation was used, which showed a \$16,000 loss in depreciation alone.

Now, they also manipulated the funding so that the plowing of the roads at the institution and the maintenance of the roads which are the farm account also showed a deficit.

So my concern is if this department can lose a hundred people in twenty-four hours, they can't tell you how many people are feeding over there. The food in our state institutions has increased in quantity and quality once they got a dietitian into the agency to set up the program.

Now, the gentleman from Augusta has brought out the fact that possibly the Department of Mental Health and Corrections is not paying all the cost of food, that possibly some of this food might be coming out of Health and Welfare. This is something I think should be checked into.

I think Mr. Dam from Skowhegan indicated yesterday that possibly Skowhegan was charged for certain incidentals that were used in other institutions. Yet, it showed a large amount of money being spent in Skowhegan.

I will take the loss of my amendment

"A" to this bill with no problem. But I would like to stand here today and state that possibly the gentleman from Bangor may have a different view here in a couple of years if he is serving here. I would like to predict that the Bangor institution will be closed within three years. Pineland will be closed within three years, and you will see a drastic reduction in our penal institutions and the Augusta State Hospital.

I think in ten years we can also predict that what we are proposing today and what we are not funding today will be reopened. It is very apparent that the State of Maine is trying to follow the State of Massachusetts, Connecticut, California, and so forth, in their thinking. It is interesting to note that there is calamity today in Massachusetts and also in California. The institutions they closed five or six years ago are being reopened, those that haven't been demolished. It is interesting to note that in one week in the State of California, the first week in December, the Governor of California was forced to open five institutions out there that had been closed.

I think the problem is, I hate to see this amendment apply strictly to the food. I think the food can be cut. The first year that Pineland had a big drop in their population count, the first quarter compared to the previous quarter in the year preceding, the figures comparatively showed an increase with a decreased population in the first quarter of \$39,000. I don't believe that with decreased population that is in the inflationary figures at that time that \$39,000 went into food. And here again, I think possibly the Appropriations Committee or somebody should be doing some double checking in finding out where this money is going. The money appropriated for food, is it being spent for food or is it being spent for some conference, or where is it being spent?

Probably this amendment won't get too far this morning, but hopefully somebody in a leadership position will do some investigating on the funding of these state institutions, and I hope we don't have to wait until the 108th, 109th sessions to do it.

The SPEAKER: The Chair recognizes

the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker and Members of the House: In response to the gentleman from Strong, Mr. Dyar, that this is solely from food, that is not the case. This is not strictly from food. The Statement of Fact says that it is primarily food. It is from the "all other account." There are many other items paid for out of the "all other" in addition to food.

I would point out to you a few of the things that I have seen in this report by the Maine Management and Cost Survey, because there has been some comment made that this is just arbitrarily cutting. That is not the case. They have many specific recommendations that would mean substantial savings and they have all the volumes on them in this report. I will give you a few of the ideas that they have: Combined purchasing for institutions with drop off deliveries could save a lot of money rather than each institution buying separately. Another item they pointed out is the bakery at the Augusta Mental Institution — I don't know what the new name of it is here. The bakery has extra capacity and they have extra labor time with their labor force over there that is not being used to full advantage. They could easily bake for Stevens School right close by here with a large saving there.

We had some of the department people in before the committee, and they stated — to give you an idea of the kind of monies available under the "all other" account — they stated to us that Augusta alone there was some \$400,000 that they had available that they used instituting new programs. So there is this kind of money available in the "all other" account, and it is not strictly food, but food alone would far exceed my amendment.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose the amendment. I would like to first state that one of my reasons is, at the present time we are enjoying pretty good morale with our people in our institutions. A hungry person is not a very happy person.

Secondly, I would like to ask a question of the gentleman from Augusta, Mr. Sproul, if he would care to answer it. The last figures I received, which was probably a year ago, we were probably figuring the figures between \$2.60 to \$4.60 per day per person. Based on his figures, how far down does he want to go to starve the people?

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Just so that I will be understood, I want to make it very clear that I concur completely with the majority finding of the Appropriations Committee on this bill. I am against this amendment of Representative Sproul.

I share his concern that the committee did not have the opportunity to go ahead in the interim and take a look into this institution and probably some other institutions where we were given to understand earlier that this was going to come about. I am not blaming anybody for the fact that it didn't come about.

I think another thing, I think you will agree with me that the investigations of the Cost Management Survey probably were not deep enough in scope so that a committee would feel ready to go ahead on their recommendations. Certainly I and all of the Appropriations Committee and the Institutional Services Committee are aware of the situation that exists in the highly escalated costs of food. We know there has been some reduction. But I think that in the final analysis we do not have the kind of information that we do need and need badly to make an arbitrary cut in the funds of the Health and Welfare Department, and I go along unequivocally with the findings of the majority of the Appropriations Committee.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that House Amendment "B" be indefinitely postponed. All in favor of indefinite postponement of this Amendment will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

The following Enactors appearing on Supplement No. 1 were taken up out of order by unanimous consent:

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 (H. P. 1973) (L. D. 2514)

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. 120 voted in favor of same and none against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

An Act Prohibiting Swimming or Bathing in Mt. Zircon Reservoir, Blanchard Reservoir and the Distribution or Pettengill Reservoir, all in Rumford, Oxford County (S. P. 844) (L. D. 2385) (C. "A" S-354)

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

An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education (H. P. 1945) (L. D. 2479) (S. "A" S-350)

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

An Act Relating to Citizenship and Residency Requirements for Employment in the State's Classified Service. (S. P. 909) (L. D. 2516)

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

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

Mr. CURTIS: Mr. Speaker and Members of the House: It has been determined that this needs an amendment, and for that purpose, I would ask that someone table it for one day.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage to be enacted and tomorrow assigned.

An Act Relating to Duties of the Attorney General (S. P. 780) (L. D. 2236) (C. "A" S-352)

An Act Relating to the Due Dates of Property Taxes (H. P. 1903) (L. D. 2411)

An Act to Reorganize the Department of Military, Civil Defense and Veterans Services (H. P. 1975) (L. D. 2517)

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

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

Bill "An Act Relating to Elections to the House of Representatives" (H. P. 1985) (L. D. 2530)

Pending — Passage to be engrossed.

Mr. McKernan of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-714) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably I will move the indefinite postponement of this amendment, and I would like to explain just what I feel the overall effects of it are.

At the present time, the present law requires that we have to submit not less than one nor more than two percent of the voters, signatures of the voters who

were voting in the last gubernatorial election. Because of the apportionment, for one thing, and to set up some kind of a standardized procedure which made a lot of sense, at least in discussing this with the Election Laws Committee, it was suggested that we have 25 signatures per single representative and multiples of that for representatives running in multi-member districts, such as, in this case here, the City of Bangor. If we were to adopt this amendment, and I can fully appreciate the thinking of the gentleman from Bangor, Mr. McKernan, relative to the 25, why should I only have to have 25 and he has to have 125.

I wonder if we, for one thing, would take a look at the inequity that might be developed if we allowed a representative who represents the whole City of Bangor, in which there are 33,000 people, only requiring 25 signatures to get on the ballot, and yet, we would require a person running for the State Senate from the City of Bangor, and that would not include the whole of it because Wards 1 and 2 would be eliminated, but that person would have to get 77 signatures. I think that if we are going to stay consistent with the rules, and he being an attorney should be fully appreciative of the 14th Amendment, the Equal Protection clause and the Equal Rights and all of that, I think that everybody should be treated equally under this. And I think that as a result, the bill that has come out of the Election Laws Committee with a 12 to 1 "ought to pass," and the one person who signed against it, I believe, agreed with this part of the bill, I think that the indefinite postponement would be the proper motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the indefinite postponement of House Amendment "A".

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks of the gentleman from East Millinocket, Mr. Birt, and as Chairman of the Election Laws Committee, I hope you do indefinitely postpone this amendment.

Certainly it is not fair if you request a

person running from a small town to get between 25 and 50 signatures to have a person running from one of our larger cities, be it Bangor, Lewiston or Augusta, and being voted upon by several thousand people to have to get just the same number of signatures.

I once had a bill in to do away with nomination papers, but it was defeated. I was convinced that nomination papers are a very good election tool, and it is not difficult to get 125 or 150 or 200 signatures. I just can't see the fairness in making a person from a small town get as many or as few signatures as a person from a large city.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank the gentleman from East Millinocket, Mr. Birt, for giving me what I guess is a promotion in calling me a lawyer. Unfortunately, I have another semester to go before I am going to get there.

His other point, comparing the members of the House of Representatives to members of the Senate I think is inappropriate. At least the Senators that I know seem to tell me that their office is a little more important than ours, and therefore I think they should have to get more signatures.

The reason that I introduced this, and I know that the gentleman from East Millinocket, again, has said that this present system was based on something we have been doing for years, and for years I have always felt that it was unfair. And now that we are going to change the system, I think that we ought to try to make it a little fairer. All my amendment does is require that candidates for the same office have the same requirements to get on the ballot to run for that office.

As you know, I am from Bangor and I would like to use that as an example, but I think you can all understand that my example applies to some multi-member district of two people all the way up to a multi-member district in Portland with 11.

In Bangor, there are approximately

33,000 people. Therefore, we have five representatives. Why do we have five representatives? That is because each representative is supposed to represent approximately 6,500 people. Therefore, it comes out to five representatives. So theoretically, at least, we are representing 6,500 people, or else there wouldn't be five people from Bangor.

The thing that bothers me the most about the present system, at least under the gentleman from East Millinocket, Mr. Birt's suggestion, if I in fact do represent 33,000 people, why don't I get five times as many votes as the rest of you who only represent 6,500 people? Why can't I speak five times as many times as the rest of you if I represent five times as many people? Why can't I spend five times as much money in my campaign as the rest of you? I am still limited in those categories the same as each and every one of you who is a representative representing 6,500 people.

Also, I certainly would be happy to get five times as much money for serving here, since I represent five times as many people. But none of this happens, and I think that is right. I think that I do, because there are five of us from Bangor, I consider the five people from Bangor to be representing all 33,000 people and not just one of us. I think that we are all working to represent all 33,000. Therefore, I think it is unfair to make each of us get five times as many signatures as the rest of the people who run in single-member districts to get on the ballot. Because that means that the 33,000 people in Bangor who are entitled to five representatives must, before they can even get a candidate to vote for, have those people get five times as many signatures as any other 33,000 people in the state.

I think this is unfair, and I agree with the gentleman from East Millinocket that it is based on an ancient system. And since we are taking the opportunity to change it now, I don't see why we shouldn't change that inequity too and require that all candidates for the same office, that is the House of Representatives, get the same number of signatures before being placed on the ballot.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Being a member of this Election Laws Committee, I have contacted people from the multiple districts. Nobody seemed to object to that ruling that we came about. These people that come from multiple districts, true, they have to get a great deal many more names than we who are in a single district. But by the same token, and in answer to the gentleman from Bangor, he thinks he should have five times the privilege of getting on the floor, what about the people of Portland? They would have to have ten times the number of opportunities to get up here and express themselves. I don't think a single-member district would have a chance to get up at all.

When you come to say that you represent just 5,500 people, I don't think that it is right to say that statement because I think every man here and every woman here represents the State of Maine, not only their district but everybody concerned. Therefore, I think it is no more fair and right that we should have a minimum number.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I also am a member of the Election Laws Committee, so I think I should make a comment or two here.

I would like to take issue with the gentleman from Bangor as to some of his remarks that he made that he only should have to require the minimum 25 signatures. I think perhaps, first of all, we should emphasize and stress the importance of this gentleman from Bangor, Mr. McKernan, that he is even more important, he is representing more people than the Senator from that portion of Bangor. He is representing thirty-three to thirty-four thousand people. By the same token, in the City of Portland, the members here in this body are representing some 70,000 people. Just think of it. Each of you are representing 70,000 people, where a



lowly Senator is representing only 30,000 people. So I hope you will feel the importance of your position representing this many people. So certainly on the strength of that, you would have no objections to your getting more signatures to run for this extremely important position.

If we are going to accept this amendment that this gentleman has proposed, I think perhaps that we should, in the light of the many candidates that we have for the gubernatorial position, perhaps we should put a further amendment in and say that any candidate for governor should have to have only a minimum of 25 or a maximum of 50 signatures to get his name on the ballot. I think that that is just as consistent as the amendment which the good gentleman from Bangor has offered at this time.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: Since the City of Portland was mentioned in connection with this amendment, I would like to say that I may surprise a few people, I am going to vote against this amendment today.

I don't really feel as though I personally am going to be greatly inconvenienced by having to get these extra signatures. Already we have to get a minimum of 206 signatures and a maximum of some 450. I don't think a few added signatures is going to hurt me. So as a member of the City of Portland, I am going to vote against this amendment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think the most simple solution to the problem of those representatives from multi-member districts that feel that they have to get too many signatures would be to vote for single-member districts, and then they would be equal with everybody.

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

Mr. BRAUN: Mr. Speaker, Ladies

and Gentlemen of the House: I have here before me the vote of the last election. Let me quote to you what happened in Bangor; "John R. McKernan, Jr., received 5,600 votes." Let me quote down to you the next one below, Stewart Smith, who is now running for another office only received 1,158 votes and I will go down through these there in the single districts, and I will show you that they had almost five to one, these people, had so why shouldn't they have more signatures.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "A" be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

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

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

Resolution, Proposing an Amendment to the 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)

Pending — Further Consideration

(Failed engrossment in the House on February 19. In Senate, passed to be engrossed)

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to make the motion to insist, and I would like to speak briefly to that motion, please.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves the House insist.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker and Members of the House: I hope we do not have a lengthy debate again because we have now defeated this gem seven times, and each time the opposition gains support. The last vote was 52 for and 90 against. The proponents need the two-thirds vote, but the opposition was only five votes short of the two thirds themselves.

Now, the proponents were almost prepared this morning to offer two amendments. One would leave the size of the House the same until 1984, at which time it would be cut to 132. And the second one, they were going to have the Senate, rather than leadership, confirm all appointments.

Now, I was willing, in the spirit of fair play, to let them offer these amendments, but I warned them at the time that we would then defeat them in turn. However, I do admire determination and stick-to-itiveness, but there is a limit to all things. Their arguments, in my opinion, are very hollow, to say the least. It rather reminds me of what President Abraham Lincoln once said. Their argument is as thin as homeopathic soup made by boiling the shadow of a pigeon that had been half starved to death.

Now certain persons made the statement in this session that really most of the proponents wanted these changes for change sake alone. Relative to this I have three stanzas of a poem by my favorite poet, Robert Service, and I haven't recited these since 1969 in the House.

They range the field and rove the flood,

And they climb the mountain's crest.  
Their's is the curse of the gypsy bold,  
And they don't know when to rest.

If they went straight they might go far,  
They are strong and brave and true.  
But they're always tired of things that are,  
And they want the strange and the new.

They say, "Could I find my proper groove,  
What a deep mark I would make!"

So they chop and change, and each fresh move,

Is only a fresh mistake.

Now, without much more to-do, I think that we should very soon take the vote and it will be the final vote, I am assured and I am going to request, and I will do it right now, the yeas and nays when the motion is put.

The gentleman from Lewiston, Mr. Jalbert, had an operation last Friday. Mr. Jalbert is coming along fine. But he called me last night, and he said that he hoped to be here today. But unfortunately, right after he called me, he slipped and fell down. Unfortunately, he can't make it. Now you noticed that we just passed an order this morning excusing him for the duration of his illness. But he especially wanted to be here today. To quote what he said to me, he wanted to be "in on the final kill of this bill."

So I now hope that you vote for my motion, and it would be truly fitting and really a climactic end if we now, when we finally lay this to rest, if we would do it in a grand manner with a two-thirds roll call vote.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably if this had died a peaceful death in its sleep, possibly I wouldn't have felt too disappointed. But being as its toes have been twisted a little bit and revived, I guess probably now we will have to go through the whole process. Maybe by the time we get this all completed, maybe the gentleman from Lewiston can be here for the final kill. So as a result, I move we recede.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House recede.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I was willing to cooperate, and I was told that I didn't need to, so I could make my motion. So in the interest of expediency, I hope you vote against the motion to recede, and then vote for my motion and give a two-thirds vote to that motion.

Mr. Finemore of Bridgewater requested a roll call vote.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We have had some fine entertainment this morning from the gentleman from Bath, Mr. Ross. He is an excellent reader; he likes poetry, and I enjoy listening to him talk. But it seems to me that this matter of some seriousness to the people of the State of Maine should deserve a little better treatment from this House than the cavalier approach that he has taken.

This reform package is a complete package. It streamlines the legislative process; it strengthens the House, vis-a-vis the executive; it is a move in the right direction. Where is the fear of turning this out to the people? Are we so elite in this place that we don't dare turn a matter of this importance to the people of the State of Maine? I say, let's give it a lot better consideration than the gentleman from Bath, Mr. Ross, was willing to give it this morning.

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

Mr. CAREY: Mr. Speaker and Members of the House: I would ask the gentleman from Farmington, Mr. Morton, if he wants serious attention given to this thing, would he object if these items went out singly to the people so that they could not vote on an entire package but on each individual item?

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

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

Very seldom have I ever taken issue with my good friend from Farmington, Mr. Morton, but to say that Representative Ross is taking a light attitude towards this bill is a very alarming thing for me to hear. Certainly no one has put more time in on an issue such as this as the Representative, and I certainly disagree with the remarks that he took a very light-handed attitude towards this document. I think the House should feel the same way in those regards.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To first answer the question of the gentleman from Waterville, Mr. Carey, being the sponsor of this and having put a good deal of time in it and convinced myself thoroughly that this is a good change, I would have no personal objection if these single items were put out to the people individually, provided that there was some agreement that every one of them would be put out, that they wouldn't decide by action of either this body or the other body at the other end of the corridor to only put out part of it.

Now, as far as to why I made the motion to recede, I do have an amendment that I would place on this. It would attempt to correct some of the questions that have come up relative to that. One of them is the reduction of the House to 99 members. I guess probably that would be one item in the original bill that I have the most objection to or was least partial to. 132 seemed to have a better consensus, and this would lead future legislatures to make the decision on how they wanted to divide themselves or reduce the size or develop the number of membership.

The reason 132 was picked is because it is the only well, it is the closest and highest number that can be found which 33 would go into, and the concept of developing Senate districts and House districts together does seem to make a good deal of sense to most people. This would allow 132 single-member districts. And there also seems to be some objection in some quarters to the use of the Legislative Council doing confirmation. Personally, I think having

sat on one of the lower rings of the totem pole and taking a look at the work of the Legislative Council, I feel in years to come it will become a very effective instrument and tool of this legislature, and I think that eventually they will look to it as having been a worthwhile accomplishment. I do think the Legislative Council has done a good job. I have no quarrel with trying to have this handled by the State Senate, which would make our Constitution consistent with the federal Constitution.

Now, whether this is or is not sent out to the people or not and what the reaction would be, I have here a group of editorials. As far as I can determine every editorial, every paper, a daily paper in the State of Maine has editorialized in favor of this particular package. There is a long one here in which they take individually each one of the different items that are in the package and separately express them. This was out of the Portland Evening Express, February 20. Here is one from the Maine Sunday Telegram of February 24 in which they endorsed it, and they come out and they said at the every end of it "it deserves to pass." Here is one that comes, I believe this one comes from the Portland Press Herald, and this one here strongly supports it. Here is one that comes from the Bangor Daily News. It was out very early in the session, January 14, 1974; "It deserves special consideration."

I believe that these things have been kicked around for a long while. They have been discussed by political scientists, legislatures. These bills have been before the legislature for a good many years, practically every one of them. I think it is time that we give serious consideration to sending this out to the people. Now if we do recede, I then will offer this amendment which will allow the size of the House to be set at 132 and the confirmation to be done by the Senate. I hope you will vote to recede.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker and Members of the House: It seems to me we are going the wrong way. We want to reduce the size of the legislature to streamline it, where at the same time we are expanding state government in

general. If an amendment were to be proposed here that would reduce all bureaus, boards, commissions and departments the same percentage and to the same length of time, I almost think I might go along with this this morning.

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

Mr. LaCHARITE: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to anyone who may answer.

The SPEAKER: The gentleman may pose his question.

Mr. LaCHARITE: Mr. Speaker, In which way would it be possible to take this package and divide it up into individual referendum questions to bring it out to the people? Would an amendment to this bill do this?

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

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

Mr. HOFFSES: Mr. Speaker and Members of the House: I do not rise to answer the question of the gentleman from Brunswick, I rise to discuss this particular matter.

I have consistently allowed that I would vote for the entire package, but that I would not for a moment tolerate splitting it up, changing it around, or anything of that nature. And we have before us the promise or the threat, whichever light you wish to analyze it in, of an amendment here which is going to tinker around with it and is going to change it. Now, that in itself is enough for me to reverse my position to say that I would vote for this thing—vote against it, rather. So, that is what I am going to do, but I am going to emphasize it a little stronger by making reference to a remark relative to a hitchhiking bill yesterday when the respected, distinguished gentleman from Perham, Mr. Bragdon, arose and he said "Ladies and gentlemen, hold on to your hats, I am going to shift my position and I am going to vote against the whole package.

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

Mr. BINNETTE: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to our assistant, Mr. Birt. Now, he held up a lot of editorials and read out several of them. Now, what I would like to know is this, isn't an editorial one man's opinion, and does that man vote up here?

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Following on the comment by the gentleman from Old Town, Mr. Binnette, and again on the editorials as put forth by the gentleman from East Millinocket, Mr. Birt, I would certainly hope that he doesn't believe everything that is in an editorial. Only yesterday in the morning Sentinel I was brought forth as "God of Gods," and even I don't believe that.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Going again a little further with the editorials that were read by the gentleman from East Millinocket, Mr. Birt, I believe the first three editorials come from the same chain of ownership of the newspaper and then the last one, so I am sure the first three would reflect the same view since the chain is owned by the same people. The last one, he said that the Bangor News said that we should give special consideration to this, but he didn't say whether we should give special consideration to supporting it or maybe we should kill it right here. Mybe that should be the consideration.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I am somewhat confused as to what exactly we are discussing. I guess there is no particular item before us, if I understand the situation correctly. However, I guess that we are talking about two matters, either splitting this bill up, sending it out to the people or sending it out to them whole. Now I think either one, once you give serious thought to it, you are going to decide that neither method is wise.

Certainly it would not go out to the people as it is made up now and they would give intelligent reaction to it. I think they would laugh at us after we had discussed it all this time and then we finally decided to send it out to the people. I honestly feel that we would make ourselves ridiculous.

Mr. Birt has made serious effort, and I thought this morning he had finally given up. But I think that we should not pursue this idea after debating this matter this length of time. We should forget the idea of sending it out to the people in any form.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question of the gentleman from Perham, Mr. Bragdon, we most certainly have something specific before us right now. We have the motion to recede. If we vote for that motion to recede, we keep it alive, we open it up for amendments, and the gentleman from East Millinocket, Mr. Birt, has stated that he has at least one and perhaps two amendments. I hope you vote against the motion to recede.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House recede on House Paper 1972, L. D. 2513. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Ault, Baker, Berube, Birt, Briggs, Carter, Chonko, Clark, Cooney, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Gahagan, Garsoe, Goodwin, K.; Greenlaw, Huber, Jackson, Jacques, Knight, Lawry, Lewis, J.; Martin, McKernan, McMahon, McTeague, Merrill, Morton, Murchison, Murray, Najarian, Perkins, Peterson,

Pontbriand, Pratt, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Trask, White, Whitzell, Wood, M. E.; The Speaker.

**NAY** — Albert, Berry, G. W.; Berry, P. P.; Binnette, Bither, Boudreau, Bragdon, Brawn, Brown, Bustin, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Dunn, Dyar, Evans, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Genest, Good, Goodwin, H.; Hamblen, Hancock, Herrick, Hobbins, Hoffses, Hunter, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McNally, Mills, Morin, L.; Mulkern, O'Brien, Palmer, Parks, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, Willard.

**ABSENT** — Bunker, Connolly, Dudley, Gauthier, Haskell, Immonen, Jalbert, LaPointe, Morin, V.; Norris, Sheltra, Silverman, Soulas, Susi.

Yes, 49; No, 88; Absent, 14.

The **SPEAKER**: Forty-nine having voted in the affirmative and eighty-eight in the negative, with fourteen being absent, the motion did not prevail.

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

**MR. ROSS**: Mr. Speaker, I now withdraw my motion to insist. I would like to make the motion now that we adhere and be done with this thing once and for all. I request that you withdraw my motion to insist.

Thereupon, Mr. Ross of Bath withdrew his motion to insist.

**MR. ROSS**: Mr. Speaker, I now make the motion to adhere, and I request a roll call in the hopes that we can get two-thirds of the vote to adhere.

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

A vote of the House was taken, and more than one fifth of the members

present having expressed a desire for a roll call, a roll call was ordered.

The **SPEAKER**: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House adhere on House Paper 1972, L. D. 2513. All in favor of that motion will vote yes; those opposed will vote no.

#### **ROLL CALL**

**YEA** — Albert, Berry, G. W.; Berry, P. P.; Binnette, Bither, Boudreau, Bragdon, Brawn, Bustin, Cameron, Carey, Carrier, Chick, Churchill, Cote, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Dunn, Dyar, Evans, Farrington, Fecteau, Ferris, Finemore, Flynn, Fraser, Gauthier, Genest, Good, Goodwin, H.; Hamblen, Hancock, Herrick, Hobbins, Hoffses, Hunter, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, Mills, Morin, L.; Mulkern, O'Brien, Palmer, Parks, Pratt, Ricker, Rolde, Rollins, Ross, Santoro, Shaw, Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, Whitzell, Willard, Wood, M. E.

**NAY** — Ault, Baker, Berube, Birt, Brigge, Brown, Carter, Chonko, Clark, Conley, Cooney, Cottrell, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Faucher, Gahagan, Garsoe, Goodwin, K.; Greenlaw, Huber, Jackson, Jacques, Knight, LaPointe, Lawry, Lewis, J.; Martin, McKernan, McMahon, McNally, McTeague, Merrill, Morton, Murchison, Murray, Najarian, Norris, Perkins, Peterson, Pontbriand, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Trask, White, The Speaker.

**ABSENT** — Bunker, Connolly, Dudley, Haskell, Immonen, Jalbert, Morin, V.; Sheltra, Silverman, Soulas, Susi.

Yes, 87; No, 53; Absent, 11.

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

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

**MR. BIRT**: Mr. Speaker, Ladies and

Gentlemen of the House: I realize, and I have heard a good many comments about the problems that are involved with the recent apportionment and why they have come about. I thought I would like to give you at least some background of the problems that we ran into and what we might be able to do in future apportionments.

Prior to 1960, there were no problems with apportionment. The individual states worked out their own decisions. In 1962, the first of the cases came out from the United States Supreme Court working towards the eventual tightening up of the one man, one vote philosophy. During the 1960's there were quite a few decisions that came out from the United States Supreme Court on this. At that time nobody realized the full impact of it until the 1970 census came around and many of these apportionment plans had to be developed.

The United States Census Bureau, from my understanding, has used a great many different factors in determining the necessary needs of people who want to use census data, but they have never given any serious consideration to the problems that are involved in things such as apportionment.

There has been an Apportionment Commission appointed by the National Legislative Conference, and the gentleman from Eagle Lake, Mr. Martin, is a member of that committee. This committee has met with some of the people in the Census Bureau in attempting to work out guidelines of how the census will be taken so they can be used more fairly in the development of apportionment plans. They haven't had complete success in this.

Recently there has been a bill introduced in Congress of which I have a copy here requiring that the census be taken on plans in the individual states in accordance with a plan approved by the governor thereof, of the tabulation of the total population of the state obtained in each census and required for the apportionment of the legislative bodies. This is what this requires, that the governor will have a plan for taking the census submitted to the Census Bureau sometime around 1978. So the 1980

census will be developed in a way that it can be best used by people within the state who need it. And this primarily refers to people who are involved in taking apportionment.

What we would hope is that this census would follow ward lines, precinct lines and other political subdivisions so that we won't run into the problems that we are running into now. I know that the problems that we run into are unfortunate, and yet there seems to be no solution.

Interestingly enough, and I also have the hearings of that, and among the people who spoke in favor of this bill was the Governor of the State, Governor Curtis. He went to Washington and submitted a statement and spoke before the Committee on Post Office Civil Service relative to this. I thought I might give you some of this as background. I think the gentleman from Eagle Lake might have a few other comments to make. He has indicated that he would. And it would at least give you something to take back to some of the areas where we have got some really disagreeable apportionment plans, and at least you can explain out what the problem was.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: After we got through reapportionment, as a matter of fact, as we were going through it, every member of that commission got rather disgusted with some of the things we had to work with, or the lack of things that we had to work with. As it worked out, what we had to rely on were census figures and we were having real problems trying to get those and get the proper figures as well.

One of the real areas where we had serious problems, of course, involved areas involving military personnel and student population. And the Census Bureau had made no effort at all to separate the two, to separate military and students from the local residency whatsoever. Hopefully, the committee that we have created on the national level is going to assist next time in providing that information, and it can't

help but help us as we get ready for the next reapportionment. I can assure you that if this were done and that the Census Bureau were to take these things into consideration, which could be easily done by the enumerators as they go from place to place, the next time we do reapportionment it would be somewhat easier to do. The only alternative that we have to the federal census is for us to take our own. There are some states that do that, but it is extremely expensive and it is one which I do not think that we would be capable to bear the burden of.

You have on your desks today, changing the subject to some degree, the Washington Report for State Legislators done by the National Legislative Conference. This specific proposal is the President's proposal on the 1975 budget, and I thought that it would be of interest to you in light of some of the federal programs that affect each and all of you in your various districts back home, since many people will be asking questions as to what federal funds will become available. And this is made available to leadership and I thought it would be appropriate that each member of the legislature also get a copy of it for your own information.

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(Off Record Remarks)

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

Mr. FINEMORE: Mr. Speaker, having voted on the prevailing side, I move now we reconsider our action where we voted to adhere on L. D. 2513.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves that the House reconsider its action of earlier in the day whereby it voted to adhere on House Paper 1972, L. D. 2513. The Chair will order a voice vote. All in favor of reconsideration will say yes; those opposed will say no.

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

The following Joint Resolution from

the Senate was taken up out of order by unanimous consent:

WHEREAS, a great sadness fills our chambers with the untimely passing of Col. Parker F. Hennessey who devoted his life to serving his State in a most honorable way; and

WHEREAS, Col. Hennessey was Chief of the Maine State Police, Commissioner of Public Safety and above all a proud cop whose 38-year tenure in law enforcement will remain immortal in the minds of vast numbers; and

WHEREAS, he was a towering figure in his profession, widely recognized expert in polygraph and an able administrator who always dispatched his responsibilities with appropriate humor and in the best interests of his command; and

WHEREAS, the noble profession of law enforcement has been greatly enhanced by his distinguished career and the Maine Criminal Justice Academy, now offering state-wide professional police training, is a fitting monument to his character and achievement; now, therefore, be it

RESOLVED: That we, the Members of the One Hundred and Sixth Legislature of the State of Maine, now assembled in special legislative session, join in this hour of grief to record a moment of silent tribute to the life and career of Col. Parker F. Hennessey, and each in his own way to extend our deepest sympathy to his bereaved family and countless others who must share in this great loss; and be it further

RESOLVED: That a suitable copy of this Resolution be prepared and presented to his dear wife and family in token of our lasting esteem and when both Houses of the Legislature adjourn this day that it be done out of respect to his memory. (S. P. 919)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

Pursuant to the Joint Resolution,  
Adjourned until nine-thirty tomorrow morning.