

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

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

Kennebec Journal
Augusta, Maine

HOUSE

Friday, March 8, 1974

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

Prayer by Father Donald Jacques of Gardiner.

The journal of yesterday was read and approved.

Order Out of Order

Mrs. Berry of Madison presented the following Order and moved its passage:

ORDERED, that Karen Ward and Peggy Withee of Madison 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
Ought Not to Pass**

Committee on Labor on Bill "An Act to Eliminate the Position of Assistant Director of the Bureau of Labor and Industry" (S. P. 838) (L. D. 2379) reporting "Ought not to pass"

Came from the Senate with the report placed in the legislative files.

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

Leave to Withdraw

Committee on Natural Resources on Bill "An Act Relating to Bulldozing of St. John River" (S. P. 763) (L. D. 2194) 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.

Refer to 107th Legislature

Committee on Business Legislation on Bill "An Act Relating to the Maine Insurance Advisory Board" (S. P. 871) (L. D. 2436) reporting that it be referred to the 107th Legislature.

Same Committee reporting same on Bill "An Act to Create a Central Professional and Occupational Licensing Bureau in the Department of Business Regulation" (S. P. 882) (L. D. 2470)

Committee on Labor reporting same

on Bill "An Act to Eliminate the Advisory Council of the Employment Security Commission" (S. P. 893) (L. D. 2495)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence and the Bills referred to the 107th Legislature.

Ought to Pass in New Draft

Committee on State Government on Bill "An Act to Revise the Industrialized Housing Law" (S. P. 820) (L. D. 2316) reporting "Ought to pass" in new draft (S. P. 927) (L. D. 2558) under new title "An Act to Amend the Industrialized Housing Law"

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

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

Divided Report

Report "A" of the Committee on Liquor Control on Bill "An Act Relating to Definition of Public Place as to Drinking Alcoholic Beverages" (S. P. 744) (L. D. 2156) reporting "Ought to pass" in New Draft (S. P. 923) (L. D. 2555) under new title "An Act Allowing Incorporated Civic Organizations to Apply for a Liquor License for One Event Per Year"

Report was signed by the following members:

Messrs. OLFENE of Androscoggin
FORTIER of Oxford

— of the Senate.

Messrs. STILLINGS of Berwick
KELLEHER of Bangor
CRESSEY of North Berwick
GENEST of Waterville

— of the House.

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

Report was signed by the following members:

Messrs. FARNHAM of Hampden
CHICK of Sanford
FAUCHER of Solon
TANGUAY of Lewiston
RICKER of Lewiston
IMMONEN of West Paris

— of the House.

Came from the Senate with Report "A" read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-384)

In the House: Reports were read.

On motion of Mr. Kelleher of Bangor, Report "A" was accepted in concurrence.

The New Draft was read once. Senate Amendment "A" (S-384) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading the next legislative day.

Non-Concurrent Matter

Bill "An Act Establishing the Office of Energy Resources" (S. P. 832) (L. D. 2375) Emergency which was passed to be engrossed in the House as amended by Senate Amendment "A" (S-376) as amended by House Amendment "A" (H-728) thereto, on March 5.

Came from the Senate with House Amendment "A" to Senate "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-376) in non-concurrence.

In the House:

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

Mr. BIRT: Mr. Speaker, I move we recede and concur with the Senate.

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

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

Mr. MacLEOD: Mr. Speaker and Members of the House: I hate to slow things down here this morning. We have been rolling along very nicely, and after last night I almost feel guilty to even ask, but I would just like somebody around, if they would, please explain why we need an office of Energy Resources and how much money and price tag is there on this?

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

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to answer the question that was posed. This item was discussed and debated somewhat the other day when the amendment was put on to reduce the funding. The reduction was an approximate amount of about \$50,000. It would be my feeling that it would be entirely appropriate to follow the motion made by the gentleman from East Millinocket, Mr. Birt, to fund the office in its entirety.

What the office would do would be provide a center for ideas and development of suggestions and the use of federal matching monies for more efficient uses of alternate sources of energy than the ones we are using now.

It was debated with some enthusiasm in the public hearing by the sponsor, the gentleman from Old Town, Senator Sewall, and by some other people, and they had some real good ideas. Like I said, we discussed it once before, and I would be happy to answer any further questions that anybody might have.

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

Mr. MacLEOD: Mr. Speaker and Members of the House: It would seem to me that we have been here during an energy crisis, and we certainly have the expertise in — or maybe we don't have it — in Washington, and maybe we think we can set it up and have it here in Maine. Again, I repeat, I don't want to slow this down too badly, but I just feel that we are over here during a critical time in state financing, and we don't know what tax revenues are going to be. They tell us that they are going to be off. You have got a summer season coming up, and you don't know whether you are going to get gas enough to have people on the highways in the multitudes that we usually have so that the coffers will be filling up on state income tax and sales tax returns.

You have got an Office of Civil Defense over there, which I understand has been beefing because we haven't funded them to keep them going until June. Here you have got a \$50,000 appropriation and I don't know how many new faces or new bodies or new desks or new telephones or

writing on the door for a new office, and I really do not believe that this is going to solve one blessed thing for you. I just want to offer my protest this morning to an additional commission or an additional bureau or an additional office here on the scene in Augusta under the guise of energy resources or this type of thing.

Thereupon, on motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

Messages and Documents

The following Communication:

State of Maine
One Hundred and
Sixth Legislature
Legal Affairs Committee

March 7, 1974

The Honorable Richard Hewes

Speaker

Maine House of Representatives

State House

Augusta, Maine 04330

Dear Speaker Hewes:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the 106th Special Session of the Maine Legislature.

Bills received in Committee	52
Unanimous Reports	51
Leave to Withdraw	3
Ought Not to Pass	3
Ought to Pass	31
Ought to Pass as Amended	9
Ought to Pass, New Draft	5

Divided Reports	51
Total Amendments	1
Total New Drafts	10
(Signed)	5

DAVID F. EMERY

House Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Binnette of Old Town was granted unanimous consent to address the House.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Someone asked me if I had read the Horseblanket of March 6 relative to an invitation which was extended to me by the young

Representative from Portland, Mr. Talbot. I would like to read to you the following quote from Mr. Talbot, who says as follows:

"I would like to extend an invitation to the gentleman from Oakland and possibly to the gentleman from Old Town, Mr. Binnette, to join with me for my own education so that I will know what I am talking about, so that they will join with me when I go to speak to the Wine and Dining Club at the University of Maine next Monday night."

I want to state emphatically at this time that I will not and never will accompany him on such a mission. I do not wish to be associated with such an organization, let alone be seen with them.

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

Mr. TALBOT: Mr. Speaker and Members of the House: The sun is out, the air is beautiful, and I think spring fever has got most of us, and I don't want to get into any kind of long dissertation about any kind of invitations, but I would just like to say that the invitation still stands. If the gentleman wants to accompany me, that is perfectly all right. If he doesn't, that is perfectly all right also.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: I shall decline with Mr. Binnette also, and I think the young gentleman can watch the sun and the moon and go all alone.

House Reports of Committees Ought Not to Pass

Mr. Simpson from Committee on Public Lands on Bill "An Act to Permit Lakeville Plantation to use a Public Lot for Sanitary Landfill" (H. P. 1746) (L. D. 2205) reporting "Ought not to pass"

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

Mr. Trask from Committee on Business Legislation on Bill "An Act

Relating to Minimum Warranty Standard for Mobile Homes" (H. P. 1729) (L. D. 2173) Emergency, reporting "Ought to pass" in New Draft (H. P. 2019) (L. D. 2562) under same title.

Mr. Tyndale from Committee on Education on Bill "An Act Relating to Representation of School Administrative Districts" (H. P. 1842) (L. D. 2334) reporting "Ought to pass" in New Draft (H. P. 2020) (L. D. 2563) Emergency, under same title.

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

Passed to Be Engrossed

Bill "An Act Relating to Delegation of Selected Services by Professional Nurses" (S. P. 922) (L. D. 2551)

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

Bill "An Act Relating to Reimbursement of Providers of Care and Treatment other than the State" (H. P. 1962) (L. D. 2502) (C. "A" H-735)

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

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly to you this morning on — what this legislation will do. Presently, the State of Maine can collect monies from insurance carriers and the money has to go back into the General Fund. This bill allows the counseling centers throughout the state to act as third parties wherein the State of Maine can collect money from insurance carriers and pay that money over to the third party.

I am not too concerned about this problem, but what does bother me is the fact that this bill actually pertains to the counseling center in Bangor, which is providing a service on the grounds of the Bangor Mental Health Institute, which should be provided for by the State of Maine and which I believe this legislature is funding this service.

The counseling service, to my knowledge, is doing an excellent job.

They do have 18 beds at Bangor Mental Health Institute which they are using to treat patients for acute mental problems. The cost of this agency for this service for 18 beds, just for the year 1973-74 is estimated to be \$295,000, of which the federal government is paying \$91,361, leaving an expense over income of \$204,156, which can be covered by payments from insurance carriers for other persons which could be the Department of Mental Health and Corrections.

At the present time, we find it hard to find employees to work in our state institutions. Yet, this group who is taking care of, at full load, 18 persons, has one and one half psychiatrists, two secretaries, two part-time psychologists, one social worker, five registered nurses, three LPN's, ten psychiatric aides and one occupational therapist part time. It seems to me we have come to a point in the Department of Mental Health and Corrections in Augusta and Bangor State Hospitals where we should make a decision on whether or not the State of Maine is going to do the job or contract for the services.

I felt that it should be put in the record this morning what is going on and possibly we should let this continue so that the next session we can review the program at the Bangor Mental Health Institute.

At this time, I would move that this bill be passed to be engrossed.

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

Bill "An Act Revising Certain Laws Relating to Passamaquoddy Indians" (H. P. 2017) (L. D. 2559)

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

Bill "An Act to Repeal Milk Control Prices at the Retail Level and Make Certain Changes in the Membership of the Maine Milk Commission and the Dairy Council Committee" (H. P. 1846) (L. D. 2339)

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

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: I move that L. D. 2339 be indefinitely postponed and I would like to speak briefly to my motion.

The SPEAKER: The gentleman from Freedom, Mr. Evans, moves indefinite postponement of this Bill and all accompanying papers.

The gentleman may proceed.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of all farmers, in fact for all people in the State of Maine, I ask you to vote for indefinite postponement of this bill, because this bill will not do what it is written for and it will hurt the farmers and it will, in the end, hurt the consumer, and it absolutely will hurt the dealers. So I ask you to vote with me on this bill.

I am not going to make a long speech, because we debated this well yesterday.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Bangor, Mr. Murray, to the rostrum.

Thereupon, Mr. Murray assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Last evening, the Farm Bureau was active calling all members of this body that they thought they could persuade on this subject. And this morning before I could get my coat off, I was lobbied to change my stand on this thing.

Cumberland Farms has been brought into it and seems to be the bugaboo of the whole story. They talk about competition, but we don't want any competition. We are very happy to have it the way it is without any. I think competition is healthy. I believe it would be good for the State of Maine and especially good for the consumers, and there are an awful lot of consumers of milk in the State of Maine. I believe there would be more milk consumed if this bill passed this morning.

As I told you yesterday, I called Abbott's Dairy in North Conway, New Hampshire. They are selling milk over there, the day before yesterday, for \$1.39 a gallon. Our lowest price here is \$1.62. We can go higher, but we can't go lower. That, to me, with what education I have from a one-room school, comes to 23 cents a gallon difference.

I believe that we had something distributed by Representative McKernan that asked the question, "What accounts for the difference in resale price between Maine and neighboring states?" The answer is, "The difference is almost entirely the result of Maine's higher dealer gross market, the processor's share of the pie." The price farmers receive for their products is almost identical in Maine and New Hampshire. I hope you will not go along with the pending motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Parsonsfield, Mr. Pratt.

Mr. PRATT: Mr. Speaker and Members of the House: This bill came out of the Agriculture Committee on a 10 to 2 "ought not to pass". And over a few pages of the redraft of the bill which we approved by the same margin, 10 to 2 "ought to pass" is the bill, of course, that we feel we should have on the record.

We members of the Agriculture Committee worked long and hard on these bills. We read a lot of figures from dealers, farmer groups, consumer organizations; we have listened to COMBAT, and truthfully, I never saw anything so simple looking as a quart of milk that has such a complicated journey from the cow to the consumer.

You hear about Class I, Class II, Boston Pool, Federal Order, blend, price bracketing, and then they have to throw in a little Chicago and a little bit of Washington just to complicate it further.

But I feel that we can live with this other bill. There has been a lot of emotional disturbance along the line. The papers have played this thing all out of proportion, and the truth of the matter is that there are only three states in the contiguous 48 states that have cheaper milk than we do here in Maine. Maine people, per capita, have the highest consumption of milk of any place in the

United States. So I feel that they feel that they get their money's worth, and I hope you will support the motion and indefinitely postpone this bill.

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

A vote of the House was taken.

Mr. McTeague of Brunswick requested a roll call vote.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to indefinitely postpone this bill this morning. I urge you to hold fast to the vote that we had here yesterday. This bill certainly does accomplish something. It will accomplish something that should have been done many years ago by this legislature, and that is to abolish the Maine Milk Commission's prerogative of setting prices at the retail level.

When members of the House say that this certainly won't reflect in a price reduction; in my opinion, and from what I have ever been able to read about existing commissions such as this being eliminated, it certainly has reduced the price. This is something that will help the consumer. And this bill certainly, in my opinion, doesn't hurt the farmer, and that is one thing that this House certainly doesn't want to do. I urge you not to indefinitely postpone this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I also join the

plea of the gentleman from Bangor, Mr. Kelleher, not to have you indefinitely postpone this bill.

I spoke to my wife last night and had asked her to check milk prices in New Hampshire where she often does buy milk. On Wednesday the price in Portsmouth was \$1.35 a gallon. That is 27 cents cheaper than our milk in Maine.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Very quickly I rise to support the motion to indefinitely postpone. I made rather extensive remarks yesterday developing a case from the report of the witness for the bill, the expert witness who came before the committee. And I think I developed a case that this will do what everyone says they do not want to do, and that is reduce the amount of money that producers of milk, farmers produce milk in the State of Maine receive for their product. Their own expert testified to this to me. And one of the sponsors of these two bills stood right beside me when we made the statement and can verify it.

This is just, definitely, what we do not want to do; is put this bill on the books. Because it will cost the farmers of the State of Maine money. It will cause a revolutionary reduction in the number of processors. And the long run will cost the people of Maine more money for milk.

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

Mr. ROLLINS: Mr. Speaker and Members of the House: Just briefly, I am working under a handicap here this morning. I do not have a crystal ball. The gentleman from Farmington, Mr. Morton, evidently has one. He can look into the future; he can see all kinds of bad things happening if this bill passes. I do not have that advantage this morning. I don't believe anyone can look into the future and see what is going to happen a year from now, six months from now, or anytime.

I am not an expert on Chevrolet cars, Pontiac. But I doubt very much if the gentleman from Farmington is an expert on the agricultural field.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: Two remarks that were made in debates either yesterday or in some probably today; but somebody made a mention that there are only 1,000 dairy farms left in Maine. And if that is true, then someone should consider that there are 425,000 consumers and voters in Maine, and that represents a far greater majority.

For those who preach doom and gloom because chain stores may come in and through competitive practices lower the price of milk, I can speak from experience and say that when I lived in Ohio, went to college out there, in 1960, a half gallon of milk at that time was 39 cents a half gallon. Last summer I had the opportunity to go back to Ohio. And one of the things I wanted to do, because I was concerned about the Maine Milk Commission Bill, and doing away with the Maine Milk Commission, and I went back to one of these Lawson stores. And the price of milk for a half gallon was 53 cents. Now, that represents about 14 years since I lived in Ohio. And that means one cent per year increase. For those who preach gloom and say that the big boys are going to gobble up the little fish; it is not true. The price of milk has remained consistently low in those states. And when I look at the composition of the agriculture committee, committees have a tendency to attract people who probably have a knowledge in one area. And in this case I don't see any large cities in there. I see the town of York, Aroostook County, somebody from Freedom, Dixfield, Parsonsfield, Benton, Limestone, Easton Buxton, Sabattus and Fort Kent. Those are not the population centers in Maine. The population centers in Maine are cities. They are cities where people live in poor housing, and where people are working for sub-minimum wages. And those are the people who are forced to pay these unusually high prices for milk, regardless of anything else. The thing we have to do today is consider what those 425,000 consumers and voters are going to say about what we do here today.

The SPEAKER pro tem: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker and Members of the House: The gentleman from Gardiner or Hallowell, I don't know which it is, should come out on the farm and see how the dairymen have to work if they think that they have underpaid and overworked members in the city. I would like to have him out there for one week.

When you get up at 3:30 o'clock in the morning and take care of your stock and you don't get to bed until 10:30 o'clock at night; if something goes wrong you are rooted out in the middle of the night; you have to go out and attend to it. Of course, we don't have a chance to sleep at night same as they do in the city. And they are so badly abused that they have to buy the milk for nothing and the farmer, he has to be a slave. That is exactly what is happening and what is going to happen if we don't keep a certain amount of dairies in to take care of the milk that comes from the farmer.

Mr. Rollins said he didn't have a crystal ball. Well how does he know that this is going to bring down the milk if he doesn't have a crystal ball? I would like to know how he really knows that then. He claims we have got a crystal ball and he hasn't. Has he been communing with somebody that I don't know anything about? I would like to know where he gets his information.

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

Mr. MORTON: Mr. Speaker and Members of the House: Very briefly. No, I don't have a crystal ball. If I did, I would do a little better with the Chevrolets and Pontiacs.

But I do have this report, ladies and gentlemen. Every statistic that I gave you yesterday came out of this report. This report was the one that was given by Mr. Aplin who, as he says, I quote here, "I appear as a witness for Cumberland Farms Northern, Inc." It is what Mr. Aplin did not say in this report, but which I went out in the corridor and asked him and he gave me an honest answer, and that was that the producers in Maine will get less money if this bill is passed.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: If I understand rightly from the gentleman from Gardiner, he said there was about 1,000 farmers, producers, and 425,000 people. I think, if this is the ratio, we better be very careful what we do so that we won't make this even a greater span between them. Because we know that the population will grow. But we are very uncertain whether we will have more producers or not.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limestone, Mr. Albert.

Mr. ALBERT: Mr. Speaker, Ladies and Gentlemen of the House: On the comment that Mr. Whitzell made, I am given to understand, and Limestone is a small community. But I represent Loring Air Force Base which there is 12,000 consumers on that base that drinks milk.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: In reply to Mr. Evans and Mr. Albert, I think that most of the reports that we heard here yesterday are debates where that the producer was the one that was making more than the farmer. And I think that this bill is just hitting at the crunch to help the consumer out because of the pricing of the milk. I agree with Mr. Albert and Mr. Evans. It is not the farmer that is making excessive price; it is the producer. And this is just what this bill is calling for.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: We debated this bill at length yesterday. We came up with a lot of information. Mr. Morton, the gentleman from Farmington, who I happen to respect, came up with some information out of the same testimony that I was quoting from. None of those facts have changed. The point of the matter is, all the evidence that is before us now has not changed, but one thing has changed.

Last night, in the course of the evening, phone calls were made; efforts were made to call individual legislators; and the push was on. It is commonly known as lobbying. Remember, none of those facts have changed. The same facts that we discussed yesterday that made this House vote the way it did. As I was driving home last night I thought of the people, the people that I have contacted, the people who have contacted me. The Republican fellow from Saco who says we should abolish the commission; the fellow who works in the mill in Lisbon who is fed up with the high price of milk; I was thinking about him. The man who works in the mill in Lewiston; I was thinking about him. The working man in the mill in Livermore Falls and Jay; I was thinking about him. While I was thinking what was taking place last night was a very high-pressure lobbying job by the dairy industry. Let us think of these people. Let us think of all the consumers who have contacted you about the high price of milk. Bear in mind in your decision this morning that none of the facts have changed. They are all the same. What has taken place is a lobbying effort. And the people in Maine do not have an opportunity to lobby. They are not behind that glass. They are not out in those corridors. But they are out working today. And I think we should be thinking about them. And this bill does that. It makes an attempt to abolish the retail prices, controls, on milk, as established by the Maine Milk Commission. Testimony that was presented at the public hearing; testimony that I read this morning; the same material the gentleman from Farmington was reading, indicates that. And in all the New England States, in New York markets, the price is on a parity much lower. I think that is the issue. But bear in mind, think about the people of the State of Maine this morning.

The SPEAKER pro tem: The Chair recognizes the Gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any wife to consult with on the price of milk, and neither have I had a chance to

go into Ohio and buy any milk to see what the cost is there. I am certainly not concerned about how many people are going to vote one way or the other in the state come the next election. Prior to the redistricting, I had a few milk producers in my area, but very few, and since the redistrict, I only have one milk producer and the rest are all milk consumers.

I do feel that this morning the motion made by Mr. Evans of Freedom to indefinitely postpone is definitely a good motion. Because while I think we sit here and talk about protecting the public, I have not received too many letters, maybe three or four from the public concerning the price of milk in my area. I think I have received more letters concerning the protection of the public from the people who vote for me on the high cost of state government than I have on anything else. So, I am sure if we want to protect the public we should look to another area where we can really save them millions of dollars and not pennies, which we are trying to do here today.

I would hope that we would go along with the motion of the gentleman from Freedom, Mr. Evans, on the indefinite postponement of this, so we can get to the later on in our calendar today to the bill that we should support.

The SPEAKER pro tem: The Chair recognizes the Gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I have had a lot of requests from a lot of people, and I couldn't answer them properly. Therefore, I would like to pose a question to any member of the Agriculture Committee so that I could answer these people properly.

Now, in our last congressional election, there was a gift, I believe, of about \$3,000 given to Representative Cohen, whether it was given by the producers or the processors, I don't know, and I would like to know who it was that gave it to him? A lot of these people seem to think that that is connected with that great big gift the dairy industry gave to Mr. Nixon. I am just wondering, who gave it in the State of Maine?

The SPEAKER pro tem: The Chair

recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday I voted for this bill, and it was quite a conflict. I think I am the only member of the Portland delegation who has been a dairy farmer. My family has been in the recreational hotel business for over 50 years, and during that course of time we ran a dairy farm. It is not an easy job, as has been mentioned here. We also had a retail milk route.

I am concerned about the farmer in this state. Some other states can raise three crops of alfalfa in one season. Here, in our area, we are lucky if we can get two. Sometimes it's very difficult to get one because of the weather.

There are many things that many people don't know about farming in Maine. I am not going to delineate the hardships. If I thought that this bill before us was certainly going to protect the producer, I would vote for it. I think this other bill is at least a little step forward. I think we are giving a great warning to the distributors. I think that if they don't take that warning, when the legislature comes back here next session, we can handle a more severe bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: Coming from a rural district as I do, I think finally I am going to get in on the act on this one also. I would like to call to your attention an article that appeared in Newsweek Magazine in the last couple of weeks. It was written by Milton Friedman, who in my book could be reasonably called a rather conservative economist. His article was on Price Control Commissions. He made the statement that wherever such commissions exist, the price goes up invariably and inevitably. I could not, of course, knowing that this matter was coming before us, help but to compare it to the situation that we are in today. If there is one thing that we know about the Maine Milk Commission, it is that the price at the retail level has consistently gone higher and higher and higher.

I have had letters on this from my constituents, and I do have farmers in my area who are my constituents. I have yet to receive one call or one letter from anyone in my area opposed to abolishing prices at the retail level. Every letter that I have received and every phone call that I have received has been in favor of abolishing prices at the retail level.

There has been some action of the lobbying effort that went on last night and it did exist. I would like to mention this to you. I received a call from a dairy farmer in Cumberland Center, who is milking about ninety head at this time which, in my book, would classify him as quite a large operator. He was one of the very nicest gentlemen that I have ever talked with. He was very very reasonable. He explained to me his views; I attempted to explain to him my position on the thing. We got along famously on the line, and we agreed, when we finished, that the only thing I could do would be to vote for my constituency and to follow the position that I had taken. I would only wish that some of the people who are members of this legislature, on both sides of this issue, could have been as reasonable as this gentleman from Cumberland Center. He was a very fine gentleman to talk with. But in representing my people, and in part, along with the rest of you in representing the people and consumers of the State of Maine, I shall have to vote against the indefinite postponement and I hope that many of you will join us.

The SPEAKER pro tem: The Chair recognizes the Gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, I would like to address my remarks just briefly to the comments that were made by the gentleman from Old Town, Mr. Binnette. I think probably it is a little bit difficult to altogether explain where much of the campaign funding did come from or does come from.

Relative to the comment he made about a donation that was made to our Representative Cohen, I think probably if he checked the Congressional Record, he will find that there was \$36,000 more money contributed to the Democratic

candidates in Congress than there were to Republicans in Congress, I would also call his attention to the headlines in the KJ this morning, "The Executive Pleads Guilty to Illegal Muskie Gift."

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House: My name was mentioned by several of the people who spoke previously, I would like to at least mention a rebut to a couple of statements. Very quickly, there are 12,000 people that may live in the Limestone Air Force Base and shop at a U.S. Government Commissary where the price of milk, I believe — someone just slipped me a note and said it was \$1.20 a gallon. Now that is considerably less than we pay in our retail stores here. Anybody who has spoken about the free enterprise system and I hear it hallowed in the hall a candid affair, government controls over free enterprise should not be voting to indefinitely postpone this bill, because at least we will be taking this price fixing provision of the Maine Milk Commission and abolishing that one item.

As far as what a man does at four-thirty in the morning, what a man does for his occupation and what he chooses to do for a living is by freedom of choice. And at such time as that man is not happy doing that job, then the man would choose his job and change it accordingly. I would hope that anybody that is not happy doing the job that they have fallen into would do just that.

The other comment I would like to make is that in January we were all circulated a little brochure called "How to make a quart of milk," do it yourself instructions for average homemakers and it went through a very elaborate thing of get a cow, get a barn and all these other things. I am sure that the person who circulated these, the chairman of the Agriculture Committee, back in January, prior to the public hearing in February, had already pre-conceived in his mind what should happen to the Maine Milk Commission.

I would hope that you would vote against the motion to indefinitely postpone and that we could come out of

this session doing something today which would definitely provide a better situation for all the consumers in Maine, even though you may find it hard to resist the temptation to listen to that one farmer — I have only one farmer in my town. I had a very long talk with him the other day. Even he was not sure what was best for himself as a farmer. The man works long hours in the morning and long hours in the evening, and when I told him that the cries seem to be to abolish the Maine Milk Commission and that the people I speak to all say abolish it, the best we can do is compromise today and at least try getting rid of these retail price levels. If this works and we find that there is no need, then another time we can come back and abolish the entire thing.

If you don't believe in government control in industry and you believe in the free enterprise system that so many people keep rising and defending, then you should be voting today not to indefinitely postpone this bill.

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

Mr. MAHANY: Mr. Speaker and Members of the House: I am from Aroostook County, and the gentleman who spoke previously was from Aroostook County. I would just like to inform the members of the House that while we are from a rural area, we represent consumers, too. We are consumers. I have been a consumer purchasing from retailers all my dairy products for over 30 years. And although our local towns may not have a big population, the combined population of central Aroostook, northern Aroostook and southern Aroostook makes quite a gallery.

There are many factors in this bill that I dislike, and I hope that you will go along with the motion of Mr. Evans and indefinitely postpone this bill.

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

Mr. DRIGOTAS: Mr. Speaker and Members of the House: It is a point of information. I think it is really applicable to this situation here. Cumberland Farms of Maine has been

brought into it. I don't know anyone connected with Cumberland Farms, don't know the manager of our local store, but I think it would be of interest to the members of this House to know how many stores, if anyone has that information, they have in the State of Maine. What is the number of stores that they have, retail stores in the State of Maine?

The SPEAKER pro tem: The gentleman from Auburn, Mr. Drigotas, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I don't know the answer to the question, but I can't let it go by without answering Mr. Whitzell of Gardiner. I am sure he should be very grateful that there are those who choose to have this profession of farmers or dairymen or whatever there are. I am afraid he might be a little hungry some day if there weren't those who chose to do that.

I would also like to state that there are many in the industry who perhaps would like to get out. Perhaps he could tell us how we might sell a two hundred to a two hundred and fifty thousand dollar farm to the public. It isn't an easy thing to do. It takes years many times. So sometimes you are stuck on the farm. Perhaps he could tell us just how it could be done.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I must admit my initial reaction to the remarks of the gentleman from East Millinocket was one of anger and concern, since I was going to start discussing something about Watergate. But I decided that maybe what I ought to do is to inform the gentleman of the procedures that treasurers of campaigns have to get themselves involved in.

For his information and for the information of others in this body, being a treasurer of a campaign in which you are using funds of other people and you are reporting under the federal laws is

one which is very difficult and one which of course sometimes is an impossibility to — at least it feels that way — to try to comply with.

Prior to 1972, as a matter of fact, prior to April 7, 1972, that is where the problem started and that is why we have problems involving that issue in Washington. It is not involving the Republican Party or the Democratic Party per se, but the committee dealing with the reelection of the President. It is not an issue of not reporting.

I do want to hit that issue head on in terms of the reporting problem. I served as treasurer of Senator Muskie's campaign in 1970 and as treasurer of Elmer Violette's campaign in 1972. And for your information, I want to tell you what we try to go through in an attempt not to get—

The SPEAKER pro tem: For what purpose does the gentleman arise?

Mr. KELLEHER: Mr. Speaker, I would like to know if the gentleman's remarks are pertinent to the item that is before us.

Mr. MARTIN: I will be getting to the point, Mr. Kelleher.

The SPEAKER pro tem: Would the gentleman please confine his remarks to the issue before us.

Mr. MARTIN: I would inform the Chair and the gentleman from Bangor, Mr. Kelleher, that that is exactly what I aim to do.

The point, very simply, as you go through the business of reporting, you try to conform with the laws and you try to do it in such a way that you are not going to get involved in any milk fund, which the gentleman from Old Town tried to get to.

I think that the gentleman from East Millinocket — and I would like at some point to sit down to explain to him the details and what you try to do in terms of returning of checks during a campaign. I don't think that the milk industry can be attacked in Maine for making that type of contribution. I don't think that the producers of Maine can be attacked along that line either in Maine. I don't think that they participated in that campaign at all, and I don't believe that they contributed to either political party in the way that it was done on the

national level. That is why I think that it is unfortunate that those remarks are made during this particular debate. This debate on this issue revolves around whether or not we are going to make an effort to lower the price of milk to Maine citizens.

I come from a rural area and two of my best friends serve on the Agriculture Committee from Aroostook, the gentleman from Easton and the gentleman from Limestone. And both of them I can assure you, have lobbied and talked to me and have expressed their concern about how I ought to vote on this legislation. Because I admit that I am not an expert in knowing anything about the bracketing system or anything else about the Milk Commission.

I debated in my own mind how I would come down on that issue. And then I started thinking about where the bulk of the problems in terms of lobbying this bill came from. A number of people in my legislative district are farmers and a couple of them are dairy farmers. I have spoken to all two of them, I guess as the word goes. Both of them have indicated to me that they would love to come here and tell you, and tell us, exactly what they think about the Maine Milk Commission and how it operates under Maine Law. But they feel intimidated. If they were to come, they would feel that intimidations would result. Not from the farmers, not from the Maine Farm Bureau, but from the people who buy their milk, from the dealers. That is why I am going to vote against indefinite postponement on this bill. Because if for a moment I thought that I would be hurting those two farmers, I am not sure how I would finally end up doing it and how I would vote on the issue. But that is not the issue here today. It is simply whether or not we are going to decide to give the milk dealers a large cut of the profit. They are the ones that have been taking it. The part of the middleman approach in our free enterprise system. They take all they can and they give as little as they can to the guy who has got to receive it at the other end. And this may be wrong, but that is the way it is. And that is the way the Maine Milk Commission operates today. That is why I am going to vote against indefinite postponement.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to see us get into this kind of partisan haggling which is at best tangential to the issue before us. However, I do feel that for the record I have to make one comment in response to the gentleman from Old Town, Mr. Binnette. And that is; that if he remembers the newspaper accounts that Congressman Cohen did, in fact, vote against the very interests of the dairy industry who made the contribution.

I am afraid that I was not clear yesterday because that I was going to support the bill that is now in front of us. A lot of people came up to me afterwards and said that they thought that I was against it. Well, I spoke in favor of it yesterday, and I am speaking in favor of it today, and against the motion to indefinitely postpone.

I gave you some facts yesterday. I am not going to repeat them, but I do want to make a couple of comments. The first one is in response to the gentleman from Farmington, Mr. Morton. And he made reference to the fact that one of the sponsors of the milk bills was with him when he talked to Mr. Aplin, and that fact is it was me. I did hear Mr. Aplin say that there would be a reduction in the price that would be paid to some Maine farmers. The point is that he also said that the farmers that were shipping to the Boston market would be getting a little bit of an increase. I think it was brought out yesterday in debate that there are more farmers in Maine shipping to the Boston market than there are under the Maine Milk Commission. So, I think that has to enter into our considerations.

The second thing that I want to say refers to some of the comments that have been made that if we do away with the Milk Commission's powers to set resale prices that the cost of milk to consumers will not, in fact, go down.

Well, maybe it won't go down in some stores. But that is the whole point of the free enterprise system; is that there are going to be some stores in which it will go down. People talk about increasing the

cost of goods in that store to offset the lowering of the price of milk. Well, that is ok. Because the consumer who wants to find out where the cheaper prices are can go to one store and get the milk if that consumer feels that he or she is willing to spend the extra time to shop around for a better deal. There are a lot of people in this state that have to do that because they don't have the money to go in and just say "Well, I don't care if I have to pay a couple dollars extra total because it is easier for the convenience." I am afraid I fall into that category. I am not the most wary consumer. But there are a lot of people, as I said, that have to be. I think they should have the opportunity. When people cite prices of milk in other states that are higher than Maine, well, ok. You have also heard people who have cited prices in the very same states that have been lower than Maine. And that is the whole point of this bill. The people will be able to get milk at a cheaper price. And they may have to pay a little more in other stores. But we have to pay more in the small stores here in Maine than the minimum that is set. The point is that we are talking about a choice, a choice where the consumer can go out and find a cheaper price for milk.

Mr. Evans of Freedom was granted permission to speak a third time.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: It has been said that the farmers are afraid of the dealers. Well, I doubt that very much. But you must remember that a farmer is not in the position to go out and act as a dealer. So he has got to be on good terms with a dealer. And we have got to have the dealers, and we have got to have them financially sound or the farmers are not going to be paid for their milk.

Now, we ran into this way back in 1935. That is why we had the Milk Commission. All the farmers were selling milk to these different dealers and the dealers couldn't make anything on it and they went bankrupt. So they couldn't pay the farmers. It was decided then to put in the Milk Commission to set the price so that we wouldn't have so many bankruptcies.

It still is that same thing today. If we go to work and take the price off entirely, we are going to run into the same thing

eventually, we are going to have bankruptcies, and the dealers are not going to be able to pay their bill and what is going to happen? The farmer is going to take the loss. If the dealer has to go down on his price, he is going to pay the farmer less for his milk. It is just plain ordinary common sense, that if you don't make anything you are not going to stay in business and you are not going to be able to pay a decent price for the product that you do buy and sell.

So if we go to work and pass this bill we are going to require the dealers to pay the farmers a certain per cent but they are not going to be able to allow it and we will have cutthroat prices as we always do, and what is going to happen? They are going to owe the farmers, sure, the price that they set by the State. But if they have no money to pay it what are they going to do? Are we going to be able to go in, the dealer go in to the Health and Welfare Department, and ask them to pay it for them? No, they are not. They won't do it.

They talk about we don't like the price setting. Maybe we don't. We have price setting in a number of other things. We have a set wage that the farmer has to pay; the dealer has to pay. He can't cut the wages. He has to pay those wages, and the wages have gone up; the materials he buys have gone up.

Now, how about you teachers; would they like to have us come in here and say we are not going to have a set price, base price for any teacher in the State of Maine? How many of you would like that? Would you like that? I bet you would. I know how vocal you are, you would be on this floor as quick as lightning if somebody suggested that.

Now are we going to stand for this to ruin our farmers in the State of Maine? Sure, we have only got 1,200, and 50 per cent of our milk is not being shipped to Boston; it is being used right here in the State of Maine.

Now if you want to put a lot of farmers into bankruptcy you pass this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake mentioned

intimidation. He is exactly right. Now, I live in a rural area and I have lived there all my life. I have done business with farmers. I am elected by farmers. And most of those farmers are Republicans. And I have a pretty rapport with most of them.

I also know that they have told me the same thing that Mr. Martin's farmers told him; that there are times that they don't dare appear at public hearings. Mr. Evans discounts this. But I know that when we put a farm bargaining bill before here about a session ago there were many, many farmers. And I doubt if Mr. Evans will deny this, that didn't dare come to the public hearing. Those that did, their names were being written down on a pad of paper. I heard from many of them. Mr. Evans did, also. So, when he says there is nothing to this intimidation business, I can't believe that, because I know better.

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

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen of the House: One of the questions here that has not been brought up is the fact that a lot of this low price milk you are getting is standardized milk. Standardized milk is milk that the cream has been separated from it. They put just enough cream back into it so it is just about skim milk. Sure, you can get a lower price. But just about a 3.7 milk or a 3.6. When you are buying direct off the farmers you are getting the 4.4, 4.6, 4.7, you are getting the cream on that milk.

If a man separates the cream off, churns for butter and sells for butter and sells the cream, of course he can sell it for less because he is making more than the other fellow is anyway.

When I was a young man I pulled many of these four down hangers. So I am very familiar with it. I walked two miles to school; I milked 12 cows night and morning; so I know what cows are. I want to see a farmer get an honest living.

I just talked yesterday with probably the biggest single farmer in the State of Maine, Mr. Estabrook, right up here in Waterville, who is now milking 456 cows. And if they were all freshened out he would be milking about 658 cows. He

wants to see us go along with Mr. Evans this morning.

I also talked with Mr. Tupper, who is in Fairfield. He is milking 65 cows. And he wants to see this go along with Mr. Evans this morning.

I do live in a rural area and I know that if these farmers are put out of business, and some of these fellows have over a \$100,000 invested. A lot of this cooling equipment is stainless steel. The silos run into thousands and thousands of dollars. The fellow said leave the job, do something else. Gentlemen, their life is tied up in that, they can't sell it, they would go through bankruptcy.

The milk they sell you can keep for seven days without souring. I would like to see you go into the store and keep any of that milk for seven days. Some of it sours before you get home with it. I hope you go along with Mr. Evans this morning.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you a couple of brief facts. I didn't plan to speak on this. But I feel, since I live right close to the New Hampshire border, I would like to mention this. I can walk down the street from my house, I can turn left and go into a store in South Berwick, or I can turn right and walk 100 yards and I can go into a store in Wallingsford, New Hampshire. If I go into that store in Wallingsford, New Hampshire I can buy a quart of milk or a half gallon of milk for about 15 cents less than if I went in a store in Maine.

If I wanted to drive four miles to Dover, I could buy a half gallon of milk for 20 or 25 cents less than I can in the same Cumberland Farms store in South Berwick. And that is a fact.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening very attentively to the debate on the Floor of the House on this bill.

I think a great deal of alarm has been expressed by both sides. I don't claim to be an expert on milk. I did spend a short

time one summer at a dairy farm when I was a boy. I got a look at some cows and I had a chance to milk them. However, and I realize that the farmer has to put a great deal of expense into their equipment. It is a long day for them, it is a hard job, it is a tough job.

But I call your attention—I feel that this bill is a good bill and—I call your attention to page 3 of this document. All this concern and alarm that has been expressed by what this bill will do in terms of pricing. It says, under Section 2954-B, special price fixing powers, "If market conditions become so adverse as to seriously jeopardize or endanger the supply of wholesome milk the Commission may, with the approval of the Governor, hold public hearings to determine whether fixed minimum prices shall be established between or among any of the following." And this includes retail prices. So price controls could be reinstituted at any time, by the Commission with the consent of the Governor and Council.

To me this addresses itself to that concern. I think this is a good bill. I would like to see us try it out, and give the consumer of Maine a break. Everyone likes milk, good Maine milk. People I have talked to, I have talked to a lot of people in my area on this issue. I have taken it upon myself to go around to retail stores and call these stores and see how they feel. They feel that they can go along, many of them expressed the sentiment, "do away with the Commission entirely," frankly. But they said that they could live with no milk commission regulation of prices at the retail level.

Again, I would reiterate, we are living in a free enterprise economy. Yet, we are one of the few states that still continues to rigidly control milk prices from the farm to the store, instead of allowing prices to seek their own level, at least at the retail level. The time is now for this House to take positive action when the consumer of the state of Maine is caught in a tragic and spiraling price squeeze brought on by inflation and energy shortages. Give the citizen of Maine who drinks good Maine milk a break by acting positively on this legislative proposal.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House; During the years that the gentleman from Eagle Lake and I have been on the floor we have had a very friendly discussion in various corners. And I think the comments that I do have now are in the same general light vein that we have had for a long while.

But I do feel that the comments relative to campaign funding were directed in my direction. And the remarks that I made; the only reason that I made those remarks is to clarify some comments previously made by the gentleman from Old Town, Mr. Binnette. I did want to clear up, and I know the campaign funding program is a very complicated one, and I will be the first to admit that I don't know too much about it. But I felt that many of the comments, several of the comments that he made, were directed in my direction. I feel that probably if there is any problem in this area they should have been directed to the gentleman from Old Town, because he is the one who initially raised the issue. The only point that I was trying to make is clear up the point of the comments that I had made were taken from the Congressional Record as the fact that there is a good deal more money funded into areas in the Democratic caucus than there were in Republican caucus.

Mr. Morton of Farmington was granted permission to speak a third time.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Quickly, I would like to just clarify the remarks of the gentleman from Bangor, Mr. McKernan. If what he said was correct, then he did misunderstand Mr. Aplin, because during his testimony, and in this written report, Mr. Aplin says some will get less and some will get more. What he did not say, and that was, "What will the net result be?" That is exactly the question I asked him in the court — what will be the net over-all result? Assuming all farmers in Maine now get X-number of dollars, five, ten, twenty million a year, what will the figure be after this

bill is passed, more or less? And after calculating, he very unmistakably said that in total the net result would be that Maine farmers would get less.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to ask Mr. Morton if Mr. Aplin is from Waterville.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Gauthier, poses a question through the Chair to the gentleman from Farmington, Mr. Morton, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. MORTON: Mr. Speaker, to answer the question, Mr. Richard D. Aplin, Professor of Marketing in the Department of Agricultural Economics, New York State College of Agriculture and Life Science at Cornell University.

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

Mr. GAUTHIER: Mr. Speaker, I think that Mr. Brawn mentioned this gentleman was from Waterville, and I was told out in the corridor a few minutes ago that he should take his milk to Boston.

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

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I have one point here I would like to make. Some of the gentlemen that have spoken have said that this instrument would bring back free enterprise. That is not true. It is not free enterprise in industry when you are protecting a price one end of it and the other end is floating. It is no more free enterprise than it is at the present time.

Everybody has said that we don't want to hurt the farmer. We want to protect him with a guaranteed price. But we want the other end to lose. Well, that doesn't make free enterprise.

While we don't have any crystal ball that somebody mentioned, we fellows in Aroostook County have had a little experience when you attempt to maintain the price at the producer's level and let the retail price float. It

didn't work. It wouldn't work this way either.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to see the farmer get hurt. He is a working man. He has to work for a living. But the thing has been brought to me on many occasions by many a housewife, how is it that the milk price has gone up so much when we read about these gifts that we are making? As a matter of fact, the question is asked my good friend from East Millinocket, I ask him who gave him that donation? Was it the producers or was it the dealers?

If the producers gave it, I don't know why, perhaps to help themselves, but I can't really believe the dealers did. I know darn well that the consumers did not give it. So will you please answer me, which one gave it to him?

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't sit here all the morning without saying a word or two after hearing all this debate about the price of milk increasing, because I am in the gasoline business and that has increased too, and I understand the price of rice has gone up in China, the price of wheat has gone up in the West and so I don't think this is a fair comparison to say that milk hasn't gone up a little.

The SPEAKER pro tem: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: As a boy, at the age of 12 my father brought my twin brother and me a pony. Youngsters of that age, of course, like the ponies, but they don't like the work involved. So we had decided that after long discussion that he would take care of one end of the pony and I would take care of the other. Now I proposed, having the head end of the pony, what would happen to his end if I didn't feed my end?

I cannot for the life of me see how we can propose to protect the farmer, give

him a reasonable living margin as a producer without protecting the other end, the consumer end. Just as sure as I am standing here, it will backfire.

I have been involved in business for a number of years. I hope what I say resembles some semblance of common sense and good judgment. It is bound to backfire.

You are going to offer the consumers inferior service. There is no other way out. I expect in some cases it might parallel the energy shortage, because in some places milk will not be available. If the people in the retail business cannot make a profit, if the dealers or the distributors do not feel it is profitable to deliver to an area, you will find a shortage. If we are going to control the farmers, give them a reasonable profit, we certainly ought to go down the line and make the control thorough. If we are going to do away with the controls, let's do away with them altogether and make it an across-the-board free enterprise.

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

Mr. MAXWELL: Mr. Speaker and Members of the House: I have sat here all this time listening. I thought perhaps I wouldn't stand up but last evening I sat down to supper at eight-thirty. From eight-thirty, when I sat down to supper, until ten-thirty, my phone was off the hook most of the time. And at least five of the dairymen that called me told me they could care less about the retail prices, and they also told me that I should vote my conscience and my feelings, because they felt that I had been doing a fairly good job representing them.

The SPEAKER pro tem: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker and Members of the House: I think the previous speaker has told you something that most farmers aren't saying. I know they aren't all saying that.

I had a call from one of the members of the Farm Bureau that lives in my district. He informed me that the Farm Bureau is taking a stand against this bill, that he personally would not take that stand. He was for the bill.

As I told you before, I have many many farmers in my district, and I have tried to contact all of them. I haven't been successful because many times, as Mr. Evans says, farmers are working from three in the morning until ten at night. They may be, but they are not working on the farm because I have been there. I was unable to contact them.

I would hope that you would support this bill. I would like to make one more point while I am here. In the Town of Buxton, Oakhurst Dairy in Portland has a route delivery. That dairy is able to deliver door to door in the Town of Buxton on almost every street three times a week. Now, that is what we are subsidizing. Somebody has to pay for that, because that most certainly isn't a profitable operation for any dairy to undertake. And that is why milk is up where it is. There are areas where this price can be reduced and that is one of them.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Freedom, Mr. Evans, that L.D. 2339 be indefinitely postponed., All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Cameron, Carrier, Churchill, Cooney, Cote, Cottrell, Cressey, Curran, Dam, Davis, Donaghy, Dudley, Dyar, Evans, Farnham, Farrington, Finemore, Fraser, Garsoe, Good, Hamblen, Hoffses, Hunter, Immonen, Kauffman, Kelley, Keyte, Knight, LeBlanc, Littlefield, MacLeod, Maddox, Mahany, McCormick, Merrill, Morton, Parks, Pratt, Ricker, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Susi, Tanguay, Trask, Walker, Webber, White, Willard, Wood, M. E.

NAY — Berry, P. P.; Berube, Binnette, Boudreau, Briggs, Bustin, Carey, Carter, Chick, Chonko, Clark, Connolly, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Faucher, Ferris, Flynn, Gahagan, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hewes, Hobbins, Huber,

Jackson, Jacques, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, Lawry, Lewis, E.; Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Mulkern, Murchison, Najarian, Norris, O'Brien, Palmer, Perkins, Peterson, Pontbriand, Rolde, Rollins, Ross, Sheltra, Soulas, Stillings, Talbot, Theriault, Tierney, Tyndale, Twitchell, Wheeler, Whitzell.

ABSENT — Conley, Crommett, Deshaies, Dunn, Fecteau, Kelley, R. P.; McNally, Morin, V.; Murray, Santoro, Smith, S.; Sproul, Strout, Trumbull.

Yes, 63; No, 73; Absent, 14.

The SPEAKER pro tem: Sixty-three having voted in the affirmative and seventy-three in the negative, with fourteen being absent, the motion does not prevail.

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

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for an excellent job.

Thereupon, the Sergeant-at-Arms escorted Mr. Murray of Bangor to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

Order Out of Order

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

WHEREAS, the legislature appropriates approximately \$35,000,000 a year to the Board of Trustees of the University of Maine; and

WHEREAS, the Members of the legislature, the elected representatives of the citizens and taxpayers, have no opportunity to review the expenditures of the University of Maine to determine whether the expenditures are reasonable and justifiable; and

WHEREAS, the University of Maine is not required to present the Legislature with a line budget which discloses the use of the appropriated funds; and

WHEREAS, the appropriations to operate the university program are

constantly increasing along with other state needs; and

WHEREAS, a line budget is required in order that the Legislature can intelligently set priorities among the competing needs for state funds; and

WHEREAS, the University of Maine is allowing the use of its facilities at taxpayers expense for activities which the public and the Legislature disapprove and since it is the duty of the Legislature to assure that state funds are expended for proper purposes; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill for legislative consideration by March 14th that requires the University of Maine to present a budget to the 107th Legislature which specifies the campus, the department and the program for which the appropriation is to be utilized. (H. P. 2021)

The Order was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to inform the membership that at the proper time I shall remove from the table the very last item on today's calendar and indefinitely postpone it, and I will state my reasons why at that time.

I want to say with this issue here before us now. This is by no means done in any way of repercussion of yesterday's action. On both occasions yesterday I voted to enact that Part I budget. As a matter of fact, my button was the last one that switched, making it 101. But somewhere along the line, as I stated yesterday in my remarks, we have quite a stake in this program based on a \$70 million biennium figure. I think we should somewhere protect it. We have the right to know. We are paying for it and our people are paying for it.

I can say that I have tried in various ways to get into the programming of the University of Maine. I have consulted on this with several people on this matter, and I did not have discouragement whatever.

I think the order is self-explanatory. I think there would be a satisfactory programming that we could go into, and I am sure that the University of Maine, in all fairness, should also embrace us.

Mr. Speaker, I move this order have passage, and when the vote is taken, I move it be taken by the yeas and nays.

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

Mr. TALBOT: Mr. Speaker, I move the indefinite postponement of this Order.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I am sorry to be back with you again this morning on this same issue.

How tiresome it is to sit here and listen to every evil minority or majority group that there is known to man paraded before us with the hope, I have no doubt, that it will cause you to quiver and shake in fear over the actions of the young people at the University which many of us are not especially pleased with.

However, I think that the actions at the University have nothing to do with Communism, riot, famine, or any other

Mr. JALBERT: Objection.

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: Because I don't see that the gentleman is speaking on the issue.

The SPEAKER: Will the gentleman confine his remarks to the Joint Order, H. P. 2021.

Mr. BRIGGS: Mr. Speaker, if the remarks which just preceded mine were confined entirely to the House Order, I would be glad to confine mine entirely to it also. The reason for my remarks is the fact that I feel there is no need to bring before this house on this issue remarks referring to Communism.

The SPEAKER: For what purpose does the gentleman rise?

Mr. JALBERT: Mr. Speaker, he is not speaking to the Order.

The SPEAKER: Would the gentleman from Caribou kindly pertain his remarks to the Order which relates to the Joint

Order ordering the University of Maine to specify the campus, the department, and the program for which their appropriation is to be utilized. And I would ask the gentleman from Caribou to have his remarks pertain to that only.

For what purpose does the gentleman from Portland, Mr. Conley, rise?

Mr. CONLEY: Point of order, Mr. Speaker.

The SPEAKER: The gentleman may make his point of order.

Mr. CONLEY: I would just like to point out to the gentleman from Bath, Mr. Ross, in the discussion when he arose earlier to speak on it, when he introduced the element of revolutionary groups and things.

The SPEAKER: The Chair should have instructed the gentleman from Bath, then, to keep his remarks to this Order. And the Chair was in error in not doing so. And the Chair would ask that all future remarks on this particular Order be confined to the four corners of the Order.

For what purpose does the gentleman from Portland arise?

Mr. CONLEY: Mr. Speaker, I understand your position. Could we then have the remarks of the gentleman from Bath stricken from the record?

The SPEAKER: No.

(Subsequently, the statements of Mr. Ross from Bath were withdrawn by that gentleman and are stricken.)

The SPEAKER: The gentleman from Caribou, Mr. Briggs, may continue on this Order. H.P. 2021.

Mr. BRIGGS: Mr. Speaker, would it be proper for me to ask unanimous consent to have all of the previous remarks on this issue stricken from the record of the House?

The SPEAKER: The Chair would answer in the negative. The gentleman, at the proper time, may ask the Chair for unanimous consent to address the House on any subject that the House lets him. But the Chair is not going to order the remarks of the previous gentleman stricken from the record.

Mr. ROSS: Mr. Speaker.

The SPEAKER: For what purpose does the gentleman arise?

Mr. ROSS: Mr. Speaker, I wonder, since I was the one who made these

remarks, if I could request that they be deleted from the record?

The SPEAKER: The Chair would answer in the affirmative.

Mr. ROSS: I so request, sir.

The SPEAKER: Then the remarks of the previous gentleman, Mr. Ross, are deleted from the record. And the Reporter is so ordered to note.

Mr. BRIGGS: I thank the gentleman from Bath, Mr. Ross. I realize, of course, what it is like when you flash pictures before the jury that are not acceptable legal evidence. You realize that, too, Mr. Speaker. They are denied, of course, but the damage has been done.

Mr. SILVERMAN: Mr. Speaker.

The SPEAKER: For what purpose does the gentleman from Calais arise?

Mr. SILVERMAN: Mr. Speaker, he is supposed to be speaking to the Order.

The SPEAKER: Will the gentleman confine his remarks to the House Paper, please; or else sit down if he is not going to do so.

For what purpose does the gentleman from Lewiston arise?

Mr. JALBERT: I just want to second what you said. If he can't restrict his remarks to that Order, I am expecting for you to ask him to sit down.

The SPEAKER: The gentleman from Caribou has the floor relative to H. P. 2021.

Mr. BRIGGS: Thank you, Mr. Speaker. This is getting very interesting.

Mr. JALBERT: Mr. Speaker.

The SPEAKER: Will the gentleman from Caribou speak to this Order if he wishes or else sit down.

Mr. BRIGGS: Yes, I will; if you will have these jumping-jacks stay in their chairs.

Mr. JALBERT: I move you make him sit down now.

The SPEAKER: Will the gentleman from Caribou — another remark such as that and I will ask him to sit down. If you wish to discuss the Order you may do so. Otherwise, would you just sit down.

The SPEAKER: For what purpose does the gentleman arise?

Mr. JALBERT: I am protesting his vitriolic tongue. I am sick of it.

The SPEAKER: Would the gentleman from Lewiston defer to the gentleman

from Caribou, who may continue if he wishes to discuss the Order.

Mr. JALBERT: Mr. Speaker; providing that he is stopped short if he deviates from this Order for one word.

The SPEAKER: Would the gentleman from Lewiston sit down so the gentleman from Caribou may continue relative to this Order, please.

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion to indefinitely postpone this Order which I think is totally wrong; and something not within the dignity of this body. Thank you.

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

Mr. McMAHON: Mr. Speaker and Ladies and Gentlemen of the House: I promise to speak on the subject of the Order and briefly. Yesterday I was wondering about voting in favor of the Part One budget. Today I rise to wholeheartedly support this Order and to oppose the motion of the gentleman from Portland to indefinitely postpone it.

This Order if adopted will be a good mechanism by which this legislature can more properly represent the people of the State by better keeping track of how our tax dollars are spent. I wholeheartedly support it. And if it has not been asked for, I request the Yeas and Nays.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would say that there is no reason for us to lose our tempers. I object to this Order, first of all, because of Whereas Number Six. If you will look at the Order.

It says; "Whereas the University of Maine is allowing the use of its facilities at taxpayers' expense for activities which the public and the legislature disapprove." Mr. Speaker, I am a member of this legislature, and I do not approve. I don't approve for several reasons.

First of all, the problem doesn't lie with the University of Maine; or with the twelve individuals there. The problem

lies with us. And by us, I mean society. Because we haven't come to realize; we haven't come to the bare facts that there are other elements in society that don't tend to agree with our own views.

The gentleman from Houlton, Mr. Bither, made the remark yesterday that this legislature can do anything. And to a certain extent I agree with that. But there is one thing that this legislature can not do; and must not do; and can not do. And that is take the name of human being away from those twelve students.

Mr. JALBERT: Mr. Speaker.

The SPEAKER: Would the gentleman confine his remarks, please, to whether or not this Order ordering the University of Maine to specify the campus and department and program for its appropriation should be enacted to be passed.

Mr. TALBOT: Mr. Speaker, I am the last one in this House that is going to lose his temper.

I object to this Order. And I would hope that you would vote against it.

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

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House:

After serving four years on the Education Committee, I realize that an order such as this is long overdue. Not for the purposes outlined in Number Six, but to allow the legislature to cut through the administrative layer, the top layer in the University system.

The only contact up until this year that the Education Committee had with the University System was through the Chancellor and his staff. And we found it almost impossible to cut through and get at some of the underlying problems in the University System. This year we were fortunate, through the generosity of the Legislative Council, to go directly to the campuses to see the campus president, his staff, his faculty, and the student body. And it was the most enlightening experience I think the Committee has had.

There is a need for an Order of this sort. Somehow the legislature has to have a handle on the expenditures by the University System. I think it would have to be done very carefully. I think the

University ought to have enough power that is not restricted by political considerations. But at the same time, the people of this State and this legislature ought to have some input into the University System.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the indefinite postponement of this Order for the simple reason that you personally take out L.D. 2508. In Page Two of this budget, page by page, you will see, for instance, on Page Nineteen, under University of Maine; it says, "University Operation, all other, \$34 million." And yet, going through some of the other sections, you will see — under the Department of Conservation an expenditure of \$5,300,000. But it is broken down to expenditures in small — there is \$17 thousand. Under the education, which is spending some \$11 million, this is all broken down to each and every institution. This is all that this Order is asking for.

In the course of my remarks, Mr. Speaker, I would like to make a parliamentary inquiry without losing the floor.

The SPEAKER: The gentleman may pose his question.

Mr. CAREY: Would it not take unanimous consent to expunge Mr. Ross' remarks from the record?

The SPEAKER: The gentleman asked that his remarks be stricken. And the Chair agreed that they could be stricken. And they are stricken.

Mr. CAREY: Thank you, sir.

Continuing. Under the Department of Finance; this is all broken down department by department.

Mr. Jalbert is not asking for too much. I served on the Appropriations Committee a couple of years ago. And we who were on the Appropriations Committee are somewhat familiar with what is going on at the University and what they are requesting for each and every campus and each and every department. But even then it is not broken down to the point that I think Mr. Jalbert and some of the other people in this body would like to see.

And I would certainly hope that you do vote against the motion that the gentleman from Portland, Mr. Talbot, made.

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

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: I am in favor of this Order this morning. I voted for the budget yesterday because I thought it was important that the rest of the students at the University of Maine should not suffer for what a few were doing.

But I don't make a practice of leaving signed checks around, and not filled out. And I feel that is what this legislature has been doing with the University of Maine. In effect, giving them a blank check. And I think they certainly should be accounting for the monies they want or spend.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I will not only speak to the Order, I will quote from it. But before I start my quoting and my questioning, I would like to go on record that this first part of the Order, which asks for the authority to impose line budgeting; I am very much in favor of. I have always felt that this was a system that was needed; that would be of a great benefit to the legislature; a great benefit to the taxpayers of the State.

Now, I am not opposed to line budgeting for the University of Maine program. However, and I am now going to quote from the famous Paragraph Six; I am opposed to that paragraph. And as long as that paragraph remains in the Order, I can not and will not vote for it.

"Whereas the University of Maine is allowing the use of its facilities at taxpayers' expense for activities which the public and the legislature disapprove—" that is a statement, I gather, that has just been tossed into the air; we don't know whether it is correct or not. But that is not my main objection to the paragraph. "—and since it is the duty of the legislature to assure that State funds are expended for proper

purposes." That word 'proper' is the one that really bugs me. The question in my mind is this; what is the definition of the word 'proper'? And who is the authority going to be that will make that definition? I think we are getting into a field here, with the use of that word 'proper' far remote, or quite possibly far remote, from any of the discussion that has gone on here today or yesterday.

As I said at the start, I would support the Order if that paragraph were eliminated from it. As long as it remains I can not.

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

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: The gentleman from Casco, Mr. Hancock, has identified what I think is the most serious problem with this Order that is proposed before us today. And it has to do with the way the line budgeting procedure would be used in the future if we were to enact that process.

Now, last night I was particularly proud of the House of Representatives in the action that we took. And I think it is important to recognize that in the future, if we go to line budgeting proposed in the third paragraph of this Joint Order, that what we open up is the possibility that on individual situations such as was largely the topic of discussion last night, that the independence of the University of Maine would be intimidated.

Other states have seen situations in which the legislature has gotten so deeply involved through the budgetary process that there have been attempts made to fire individual professors at universities which receive part, perhaps even most of their money from the taxpayers of the State through the budgetary process of the state.

So I am foreseeing a serious problem in the future of academic freedom. I think that in the present time and in the future that the people who come to testify and explain the University's budget to the legislature and to the Appropriations Committee in particular are willing and would be willing to go into as much detail and as much depth and as much explanation as would be desired. I certainly hope they would be. But I foresee that in the future the line

budgeting process could be a very serious problem for academic freedom in the State of Maine, and therefore I support the pending motion.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I think this joint order has been long overdue. I can remember, having been here quite a few years, that we had this line budgeting for all our state universities except the University of Maine. I thought that it worked out pretty well. But when we created that Super University, we wiped out the line budget, and I don't think that we should have done it at that time. It was done very quickly and many of us were unaware that it took place.

I do not see any harm whatsoever regarding line budgeting. If you will take notice, as Representative Carey said, on page 19 of 2508 there is an appropriation of \$35 million. There is very little detail given. Whereas you look at some of the other requests, they have been broken down quite a bit. Therefore, I really believe that we should accept this joint order.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Members of the House: I have examined the order more carefully, and I believe I could support it, with the exception of item six. I wonder if it would be acceptable at all to the sponsor to redraft the order or for us to table it for one day, if that were necessary and to redraft it removing that portion which seems to be so objectionable to so many of our members.

I am in favor of the order. I cannot see any legitimate real purpose for being in opposition to most of the wishes expressed in the order that we have a closer examination of the budgetary items of the University. Even though, as I mentioned yesterday, they are not a part of the state government for administrative purposes, we do appropriate them very sizeable sums of money, and it seems to be a legitimate concern that we examine these sums. However, I must say that item six

merely harkens back to the long struggle that we had the previous day. And if the sponsor could find it in his heart to be willing to amend the order, removing item six, I at least, and I presume many others who have spoken in opposition to it would be glad to support the order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First I would like to say that as God is my judge, I didn't know that paragraph number six was in the order.

I certainly will be more than happy to have the item struck out immediately and reproduce and reintroduce it before the day is over, because my sole interest is the meat of the thing, and that is the line budgeting that I have got in there and not the other issue at all. I didn't know, and I want people to believe me. I tell the truth and I want people to believe me. I didn't know that paragraph was in there until it was brought to my attention.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I move this item lie on the table two legislative days.

Thereupon, Mr. Binnette of Old Town requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Briggs, that this Joint Order be tabled pending passage and specially assigned for Tuesday, March 12. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

50 having voted in the affirmative and 53 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Ross of Bath, tabled pending passage and later today assigned.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think that if there is any one thing that this Maine Legislature is noted for as you travel

around the country, it is the dignity and decorum of the House.

Yesterday, we heard the gentleman from Houlton, Mr. Bither, stand and state that this body is the highest court in the land and we should never forget it. That happens to be an actual fact, and I hope none of us ever do forget it.

When we leave here, there is a Legislative Record that is printed and each year it gets bigger and bigger. I am sure that all of you have seen it. Last time it was three volumes that were some yea thick, and this time it will probably be an awful lot thicker. That contains all the statements that are made during the legislative debates, and I would be the first one to state that we could probably cut that in half if we addressed ourselves many times to the issue and not to emotions and items that are not even concerned with the issue.

We have immunity on this floor for what we say, but that doesn't give us the right to stand and abuse that or abuse individuals. A few minutes ago, not only on this floor with people standing on this floor was I ashamed of the dignity and the decorum of this House, but I was even more ashamed when I could sit in this corner and listen to a gentleman be attacked with names that I don't think were fitting. And that is a long way across this floor to come down into here.

Time and time again I sit here and sometimes I would like rise to my feet and honestly object to the unanimous consent. But I have always sat here because I have always known that there are times that I would get up and address this House under unanimous consent. There are many times I have sat here and deep in my heart would like to get up and ask the Chair if the gentleman is addressing himself to the question when he is about four miles afield and has been there for ten minutes and I am sure that every one of you have sat here and thought the very same thing.

As I say, I sat here a few minutes ago and I admire the gentleman from Bath, Mr. Ross, for removing his remarks, even though I know his remarks were very well intended and were remarks that he wanted to make. As I looked at the order, I think that any remark that

was made on this floor this morning was relevant to that order, because it did contain quite a few "Whereas's" and those whereas's are as important as the actual order itself, the last paragraph. It just seems to me that I really don't know if we should or should not, but I think we ought to learn a lesson from what took place here this morning, and it would seem to me that the dignity of this legislature could be far enhanced if every bit of that was removed from the record, because I personally have been ashamed in the last few days of many many remarks that have been put on here, some of the terminology that has been used, and I think this morning did nothing to enhance it a bit.

(Off Record Remarks)

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think the record will indicate this morning that when I presented the order, I didn't speak with any malice whatever. I didn't speak in any anger whatever. I spoke purely and simply on the order. All I am interested in is the order itself and what it meant.

I did not write the order. I did not even look at paragraph six, and I know the members here who know me know that when I say that I didn't know about it, they believe me.

Now, I am going to make a suggestion, and I agree with the gentleman from Standish, Mr. Simpson, and I agree with the gentleman from Eagle Lake, Mr. Martin. I am going to tell you something right now. If that is the case, it is the case that no one in this House, no one, can conceivably have the feeling and love for this House that I have.

I was told two years ago, if you go to the legislature you are going to get hot as a pistol and you are going to get yourself involved and you are apt to drop in your seat. My answer to that, "I would be delighted to do so with a smile on my lips." It would be indeed a pleasure, because you are going to go sometime, to go standing right here and pounding and harping away.

I have pounded away at several people

since I have been a member of this House. I served with the gentleman from Caribou, Mr. Briggs, on a committee, and we got into many a hassle. And I can assure you one thing, when the bell rings today, it is all over when it leaves here.

But if the gentleman from Standish, Mr. Simpson, the floor leader of the Republican Party, and the gentleman from Eagle Lake, Mr. Martin, the floor leader of the Democratic Party, if they would see it that way, as I see it, they are the leaders, and it would have been up to them to get up today and call a point of order, not me.

(Off Record Remarks)

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Custody of State Trust and Retirement Fund Securities (S. P. 833) (L. D. 2374) (C. "A" S-375)

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

Emergency Measure

An Act Repealing Certain Laws Relating to Games of Chance (S. P. 911) (L. D. 2521) (S. "A" S-365) (H. "A" H-724)

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. 109 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to Dams and Reservoirs. (S. P. 916) (L. D. 2527) (H. "A" H-721) (H. "B" H-725)

An Act Authorizing the Commissioner of Mental Health and Corrections to Convey a Sanitary Easement at the Bangor Mental Health Institute to the

Northeast Psychiatric Institute, Incorporated. (S. P. 921) (L. D. 2546)

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.

Enactor

Tabled and Assigned

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

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Tuesday, March 12.)

An Act to Establish a Pilot Rural Housing Rehabilitation Program (H. P. 1814) (L. D. 2303) (C. "A" H-720)

An Act Relating to State Purchases (H. P. 1999) (L. D. 2539)

An Act to Allow a Governor-elect an Additional Four Weeks for Submission of the Budget (H. P. 2000) (L. D. 2540)

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

Orders of the Day

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

Report A of the Committee on Liquor Control on Bill "An Act Repealing Discount Sale Price of Liquor in One State Store" (H. P. 1673) (L. D. 2066) reporting "Ought to pass"

Report was signed by the following members:

Mr. FORTIER of Oxford
—of the Senate.

Messrs. KELLEHER of Bangor
RICKER of Lewiston
CHICK of Sanford
GENEST of Waterville
FARNHAM of Hampden
—of the House.

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

Report was signed by the following members:

Mr. OLFENE of Androscoggin
—of the Senate.

Messrs. STILLINGS of Berwick
CRESSEY of North Berwick
IMMONEN of West Paris
FAUCHER of Solon
TANGUAY of Lewiston
—of the House.

Reports were read.

On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of either Report and specially assigned for Tuesday, March 12.

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

Report "A" of the Committee on State Government on Resolution, Proposing an Amendment to the Constitution of Maine to Provide for Equal Rights" (H. P. 1840) (L. D. 2332) reporting "Ought not to pass"

Report was signed by the following members:

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

Messrs. CROMMETT of Millinocket
BUSTIN of Augusta
FARNHAM of Hampden
COONEY of Sabattus
Mrs. NAJARIAN of Portland
—of the House.

Report "B" of same Committee on same Resolution reporting "Ought to pass in New Draft (H. P. 2018) (L. D. 2561) under new title Resolution, Proposing an Amendment to the Constitution of Maine to Provide that Equal Protection of the Laws shall not be Denied or Abridged on Account of Sex"

Report was signed by the following members:

Mr. WYMAN of Washington
—of the Senate.

Messrs. STILLINGS of Berwick
CURTIS of Orono
GAHAGAN of Caribou
SILVERMAN of Calais
—of the House.

Report "C" of same Committee on same Resolution reporting "Ought to pass" as amended by Committee Amendment "A" (H-737)

Report was signed by the following member:

Mrs. GOODWIN of Bath
—of the House.

Reports were read.

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

Mr. FARNHAM: Mr. Speaker, I move acceptance of the "Ought not to pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves the acceptance of Report A "Ought not to pass"

The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: You will note that this report is in three sections, the majority "ought not to pass" on L. D. 2332 and minority "ought to pass" on the same bill, and then a Report C on a bill which changes the wording of the original bill very slightly.

This is a subject that was before us and tormented us in the regular session. It was before us again in the special session. Both this body and the other body accepted and approved of the amendment to the Federal Constitution on this subject of equal rights, and it just seems to me that this would be a waste of time and subject us to turmoil and whatnot if this goes to the people.

We are the representatives of the people. We have made our voices known. We have accepted the Equal Rights Amendment, as have 33 other states. Therefore, I hope you will go along with accepting the majority "ought not to pass" report.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: For those who have not perhaps been following the calendar too closely today, we are now talking about equal rights again. I oppose the motion to accept the "ought not to pass" report.

Once again we return to the sonorous, emotionally impressive, albeit misleading, combination of words "Equal Rights."

Mark Twain once remarked, "We have not all had the good fortune to be ladies. We haven't all been generals or statesmen or athletes; but if we go back far enough to babies, we all stand on equal grounds with equal rights."

I try to always be consistent, but not to a point of stubbornness or complete

inflexibility. But on an issue which is based on actual fact and not just philosophic ideals, I think that it is most difficult to tell where a person stands if they are inconsistent.

On this subject, I say that I am standing on consistency. My chief objections to ERA in the beginning was that it was much too vague to be written into the Constitution of the United States. Even the staunchest proponents could never exactly tell me what they expected to gain under ERA. Most of them were prone to get carried away with the idyllic picture of a female paradise where all women would have equal pay with men, regardless of their ability or job classification, ambition, drive and so forth, a paradise where every woman would go into a bank and borrow money. Of course, both assumptions are fallacious.

We have on our books now both in the federal government and at the state level equal pay legislation, and women can borrow from any bank in this state now if they can prove financial stability. They seem to forget that a man also cannot borrow from a bank unless he can prove that.

One of our colleagues in the House said that he was amazed that I could change my stand so suddenly. But I claim that I have not changed my stand because I am still diametrically opposed to the basic concept of ERA and putting these words in the Constitution of the United States, which in my opinion would only clutter it up, but leave us with a very difficult situation of having the United States Congress and the United States Supreme Court implement this legislation.

However, here today we have the same subject done in a manner that certainly is acceptable to me. The philosophy is exactly the same as before, but the means of accomplishing it are different. We now offer a chance to people to have ERA in Maine within two years. If they wait for the amendment that we approved before, they might wait a much longer period than that and it might never come into being. We offer a people a chance to vote, and if they approve the legislation, we here in Maine can then implement it in our

legislature and our own Supreme Court can rule on it.

I cannot possibly see how the original supporters of this theory, if they were sincere, and I have no doubt that they were, could possibly oppose this now, although I have no doubt that many will.

I hope you do not go along with the motion before you.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I also oppose the pending motion. I hope that we will have a division when the vote is taken.

The proposal that I support is the redraft, new title, new draft, which came out as L. D. 2561. The present Maine Constitution, Section 6-A reads, "No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of the civil rights or be discriminated against in the exercise thereof." That is what the Maine Constitution reads right now.

We have found, however, that of course there have been a few discriminatory laws against men or against women in the State of Maine, regardless of that section of the Constitution which seems to read very clearly. So for that reason, I support the proposal which would add an additional sentence to that section of the Constitution, which would read, "Equal protection of the laws shall not be denied or abridged on account of sex."

Generally speaking, the laws in Maine are in pretty good shape. There are not very many discriminatory ones left, at least not since we got rid of the poll tax, and I think that if this legislature agrees with me, that this concept is a good idea to add to the Maine Constitution, that the bill that I support would be the one which we ought to send out to the people for their approval.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I support sending the resolution to the people, because I think it offers us an opportunity that the legislature very seldom has.

We do refer referendums on sticky questions which we hesitate to take a definite position on. But we have already taken a position on the Equal Rights Amendment, and I think this would be in effect a poll, and I think it would be a surprise to many of us, myself included, to find out that as the elected representatives of the people, and feeling so confident as we do many times that we are voicing the majority of the other people, let's find out for once, have we, in ratifying the Federal Constitutional Amendment, been right?

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: As you will note on the calendar today, I am the only person who signed the "ought to pass" report on the original resolution. I did so for two reasons. First, I believe in the principle for which this resolution stands — equality of rights under the law, regardless of sex. I do not believe that the sponsor can say the same.

The SPEAKER: Will the gentle lady keep her remarks to the matter before us, please.

Mrs. GOODWIN: Mr. Speaker, I believe this is the matter before us.

Second, even when I found myself standing alone, I felt that the original version should be allowed on the floor of the House and Senate where it could be debated by both sides.

I fully recognize the motive behind its introduction — and that is, a circumvention of the federal constitutional process in order to allow a referendum on the question.

The proponents of this legislation at the hearing were opponents of equal rights. They have said that the language in the federal ERA is vague and dangerous. Yet they were adamant in their opposition to amendment which would remove any possible danger of misinterpretation by the courts. Report B contains the new language which would positively safeguard beneficial laws by extending them to both sexes. This, however, was not acceptable to the anti-ERA forces. They believe it would pass more easily in November than the original wording and, of course, the

whole purpose of this resolution is to defeat it in a referendum at the expense of Maine taxpayers.

It was also quite interesting that in the original draft the sponsor omitted an effective date for this resolution, should it be ratified by the people. Anyone who has studied ERA in any depth knows what this would mean. All laws pertaining to sex would be wiped off the books as soon as the vote was certified by Governor and Council and would remain so until the legislature could come in and decide which laws should be repealed and which laws should be extended.

Such a chaotic situation now exists in Pennsylvania, and there is a move to rescind both the State ERA and the Federal ERA as well. I have attached a committee amendment to assure that if this resolution goes to the people and is ratified, the 107th Legislature will have a year to bring our laws into conformity, just as the Federal ERA gives the states two years.

I question the motives behind the omission of an effective date just as I question the motives behind the introduction of the resolution itself.

If any of you believe that defeat of this amendment at the polls will bring about rescission of the Federal ERA, you're wrong. There is no precedent in American history which allows rescission. It would take an act of Congress to make rescission legal. New Jersey and Ohio both attempted to rescind the 14th Amendment, but they were counted among the states needed to ratify. In 1919, the Maine Supreme Judicial Court declared that the Maine Legislature could not rescind its ratification of the 18th Amendment. So don't be fooled.

By my signature, I have allowed this resolution its day in court. I can do no more. All but the most avowed opponents of equal rights can see this resolution for the hypocrisy and sham that it is.

I now move that L. D. 2332, all reports and accompanying papers, be indefinitely postponed, and I request the yeas and nays.

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, moves the

indefinite postponement of this Resolution and requests a roll call.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of this particular measure, I am glad that the gentlewoman from Bath knows all my motives. I don't know as I totally agree with her presumptions. Evidently her crystal ball is better than my personal knowledge.

I do remember the debate at the hearing very well. In fact, I remember I hadn't said too much when she pointed out the fact that there was not an effective date in the bill, and I recognized the fact at the time, and I also appreciate the fact that that is what good committees are supposed to do, pick out weaknesses in a bill and correct them. I think that is just exactly what this committee did do, and if you will look at Report B, it has got a proclamation date of January 1, 1976.

Maybe if this thing were to pass and all the laws in the State of Maine relative to this were made so chaotic, maybe some of the proponents of ERA that said that there weren't that many issues involved in all this controversy and everything else, they might suddenly find themselves having to eat the words that they put in the particular debate.

I also remember very vividly the gentlelady from Bath also commenting, "I plan to vote for this particular issue. I think the people should have the right in the State of Maine to have a referendum."

I believe the question becomes a matter of, does the State of Maine Constitution have the same opportunity to have within its Constitution those words or the same issue that is in the United States Constitution? If it were so good in the U.S. Constitution, what is so wrong about the Maine Constitution. Evidently it must be, because suddenly the proponents of ERA are suddenly standing up now and saying quietly, "We don't want it. We don't want it to go to the people."

You know, we talked about a lot of mail and everything else, but I don't know of another issue that I have

received as much mail on, and they are not form letters either. They are personal hand written letters from people who have said, "I would like to have a chance to vote on this."

If the national ERA fails, then we have the opportunity to put it in the Maine Constitution where it will be handled by the Maine Legislature and it will be judged by the Maine courts. Is that entirely wrong? Evidently some people fear that that is what is going to be wrong.

I would hope this morning that you would give the people in this state the opportunity to vote on this and decide what they want in their Constitution. Put it right out to them and let's find out.

I am the first one to admit that I believe we cannot rescind our action on the federal Constitution. Yet there is nothing that prevents Congress from coming back with legislation that would allow states to rescind within a seven-year period. There is also action pending in the courts right now which probably will go all the way to the Supreme Court where they might allow us to rescind. I would be the first one, if this vote went out and the people in this State turned it down in the Maine Constitution, I would be the first one to stand up and say that we were wrong, and if we were allowed to rescind, then we should put a bill in and see whether we were wrong. But I have no intentions of coming back here in the 107th or even encouraging anybody to come back here in the 107th putting a bill in to rescind our previous action.

I think we are talking about a simple procedure, a constitutional amendment in November which the people in this State are going to have the chance to vote on, whether they want the Equal Rights Amendment placed in the Maine Constitution. I find it hard to believe that those great proponents that want it in the Federal Constitution don't want the opportunity for the people in the State of Maine to express themselves as to what they want in their Maine Constitution, and I would hope that you would kill the motion to indefinitely postpone and that we pass Report B.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: You have before you a bill which is as important to some of us proponents of the bill as it was to the proponents of the other bill. I am rather surprised today at some of the statements that were made here. Some people want to show to the people of this state that they are so concerned about their welfare and everything else, but if they are, why don't they give them a chance to vote on something here, which is what the bill asks for. It is a referendum question, and let the people decide. You will get an idea as to what the people do like. See if all of us that were so strongly opposed to the concept of ERA, see if we were wrong. And if we were wrong, I will be one of the first ones to accept that.

On the other hand, it has also been said that this is a waste of time to put it to referendum. I don't believe it is. I think it is time that we did send it to referendum. Then if the people want to, they can do it. I was against sending the income tax to the people, and that was passed against my best wishes, but I have got to live with it. And the way it was, I have got to pay for it, too.

I was somewhat pleased with the report today, not because it was the way that I wanted it, but because of the fact that at least the members of State Government had tried to find a reasonable solution. As a matter of fact, I was concerned about the amendment on Report C, which I think changing the question doesn't mean that much. Just because you want to put in there the word "sex," I don't think you need to put the word "sex" in here. As far as bias and as far as equal rights, under the laws of the State of Maine, we just passed a bill a while back that protects you and you can't be discriminated against because of sex. So this is really a very ridiculous stand to take on this thing. As far as changing the date to 1976, I think the best report, which is Report C, that wasn't there. So the other amendment doesn't do that much.

I can only say to you this, it has been said by the opponents of ERA, under 2332, that it was not acceptable, they made some amendments to it. Well, I am going to say this to you, I think I can accept 2332 in its entirety and its proper

form. You put it in front of me and you will see what kind of a job I can do on that one too.

If you want equal rights, give us equal rights too. I think that this should be put to the people. We have a motion before us now for indefinite postponement. In other words, if I can't get what I want, I have got to indefinitely postpone. This is one of the tricks that I use, too. So this is not new. I know which way we are going.

We always come here and think about the elderly. We think about the great students at the University and all the people in Pineland and everything else. If you want to show some real compassion, take this today and move against the motion to indefinitely postpone, and then through the proper procedure I hope that we reach the point where we can accept Report B. All this does, it gives this to the people to vote on it. If they approve it, then it might be part of our Constitution.

I know what my motives are, and I don't have to hide them, either. The fact is that I stand here today and ask you to vote against the indefinite postponement so we can send this to the people and let them decide or get an idea of what they think about this.

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

Mrs. GOODWIN: Mr. Speaker and Members of the House: I would like to clarify one thing. The amendment on Report C, which is the report I signed does two things. It puts the January 1, 1976, effective date into the original wording, and it changes the wording in the question which goes before the people, "At the request of the sponsor" — and I believe he will bear me out that he presented that amendment to the committee and asked that it be put on the bill, and I did so. So I think the gentleman obviously has not read amendment H-737.

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

Mr. ROSS: Mr. Speaker, I just have one short question to ask of my colleague, the gentlelady from Bath, Mrs. Kathleen Watson Goodwin, if you are so much in favor of the report that you signed with your amendment, why

in the world did you not fight for that rather than move indefinite postponement of the whole thing?

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 gentlewoman from Bath, Mrs. Goodwin, that this Resolution and all accompanying papers be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Briggs, Brown, Bustin, Chonko, Clark, Cooney, Crommett, Curran, Dow, Drigotas, Farley, Farnham, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, Jacques, Jalbert, Kilroy, Knight, LaCharite, Lawry, Lewis, J.; MacLeod, Martin, Maxwell, McTeague, Najarian, O'Brien, Peterson, Pontbriand, Rolde, Smith, D. M.; Talbot, Tierney, Whitzell.

NAY — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Connolly, Cote, Cottrell, Cressey, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farrington, Faucher, Ferris, Finemore, Flynn, Gahagan, Garsoe, Genest, Good, Greenlaw, Hamblen, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, Keyte, LaPointe, LeBlanc, Lewis, E.; Lynch, Maddox, Mahany, McCormick, McHenry, McKernan, McMahon, Merrill, Mills, Morin, L.; Morton, Mulkern, Murchison, Murray, Norris, Palmer, Parks, Perkins, Pratt, Ricker, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Stillings, Tanguay, Theriault, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.; The Speaker.

ABSENT — Conley, Donaghy, Evans,

Fecteau, Fraser, Gauthier, Kelley, R. P.; Littlefield, McNally, Morin, V.; Santoro, Smith, S.; Sproul, Strout, Susi, Trumbull.

Yes, 37; No, 97; Absent, 16.

The SPEAKER: Thirty-seven having voted in the affirmative and ninety-seven in the negative, with sixteen being absent, the motion does not prevail.

The pending question now is on the motion of the gentleman from Hampden, Mr. Farnham, that the House accept Report A "Ought not to pass." The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 82 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Curtis of Orono, Report B was accepted.

The Resolution was read once and assigned for second reading tomorrow.

On the request of Mr. Ross of Bath, Joint Order, House Paper 2021, was taken up out of order by unanimous consent.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I merely want to say that according to the wishes of many, the sixth "whereas" has been struck out of the measure and is now restricted strictly to the item which is line budgeting. I would request a roll call.

The SPEAKER: The Chair would inform the gentleman that the Chair understands that the matter before us is House Paper 2021, which was debated earlier this morning. The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that this be indefinitely postponed.

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

Mr. JALBERT: Mr. Speaker, I would ask the gentleman from Portland, Mr. Talbot, if he wouldn't withdraw his motion so I could make a motion to withdraw the whole order and then introduce this one.

Thereupon, Mr. McMahon withdrew his request for a roll call.

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

Mr. TALBOT: Mr. Speaker and Members of the House: It is not my intention to be hard to get along with, but I do not withdraw my motion.

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

Mr. O'BRIEN: Mr. Speaker, just an inquiry. Does the gentleman proposing this order have the right to withdraw it, sir?

The SPEAKER: The Chair would state that there is a motion to indefinitely postpone on the floor. If there were not this pending motion, the gentleman could withdraw his order.

Mr. O'BRIEN: Mr. Speaker, the Chair has already ruled once this session that after a roll call has been called for that the order could be withdrawn.

The SPEAKER: The gentleman would be informed that the pending motion is the motion of the gentleman from Portland, Mr. Talbot, to indefinitely postpone this matter. All in favor of indefinite postponement will say yes; those opposed will say no.

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

Thereupon, Mr. Jalbert of Lewiston withdrew his order.

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

WHEREAS, the Legislature appropriates approximately \$35,000,000 a year to the Board of Trustees of the University of Maine; and

WHEREAS, the Members of the Legislature, the elected representatives of the citizens and taxpayers, have no opportunity to review the expenditures of the University of Maine to determine whether the expenditures are reasonable and justifiable; and

WHEREAS, the University of Maine is not required to present the Legislature with a line budget which discloses the use of the appropriated funds; and

WHEREAS, the appropriations to operate the university program are

constantly increasing along with other state needs; and

WHEREAS, a line budget is required in order that the Legislature can intelligently set priorities among the competing needs for state funds; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill for legislative consideration by March 14th that requires the University of Maine to present a budget to the 107th Legislature which specifies the campus, the department and the program for which the appropriation is to be utilized. (H. P. 2024)

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: Repeating myself, item six has been removed. When the vote is taken, I ask that it be taken by the yeas and nays.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened with a lot of interest here this morning to the debate on this situation here. If my memory serves me correctly, three sessions back we had a debate on the floor of the House in regard to the equalization of wages of the University working people compared to the state employees. At that time a large sum of money was appropriated to raise their wages to equal what the Maine State employees were receiving. That was before they were classified. I was home either three or four months when I picked up the Bangor News and read where this money had been used by the trustees, not to pay the equalization of wages to the employees but to build the remaining part of a building up there on the campus. Therefore, I think that this line budgeting should be enacted by this House and eliminate some of the flak that we are getting from the people that are paying the taxes, which has been going on for six to eight years, to my knowledge.

The SPEAKER: The Chair recognizes

the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I intend to vote for this order. I suspect the trustees of the University of Maine will just scoff this, so it won't mean anything whether we do or not.

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

Mr. CURTIS: Mr. Speaker and Members of the House: The gentleman from Eastport, Mr. Mills, has just made a statement which I would suggest, for those of us who may remember just exactly what happened, is incorrect.

What we did a couple of years ago was hotly debate the issue of whether or not the classified employees at the University of Maine should be paid at the same rate as the classified employees of the State of Maine. We did not appropriate any money at that time specifically to that job. Instead, the late gentleman from South Portland, Mr. Gill, introduced an order which passed this House and the other body also requesting the board of trustees of the University to provide a pay increase to classified employees at the University of Maine, which would provide similar and equitable pay increases for the classified employees of the University of Maine as we had provided and funded for the state employees of the State of Maine.

We then adjourned. During that summer, the board of trustees, in accordance with our request, met and decided to grant the pay increase. They found the money by increasing student tuitions and some other sources, I suppose, and the pay increase was granted to the classified employees of the University.

The gentleman may have been a little bit confused, because last year what we did was debate the issue of faculty and professional salary increases. We appropriated some monies specifically for faculty and professional salary increases, the sum of \$1,087,000. That money the University of Maine did appropriate for the purposes which they were directed to appropriate in the bill. Some of us, myself included, were very disturbed at the inability or the unwillingness of the board of trustees to

appropriate additional monies, which we thought we had also provided in the Part I budget, but at any rate, that was the decision. They made it, and they had some logical arguments at least which could be backed up by some of the documentation enacted by the legislature.

I wasn't particularly pleased with the actions of the board of trustees, because I thought the salary increase should be greater. But that is all just to correct the previous statement.

I am also opposed to the pending motion, largely because of the same reason I mentioned before. Any attempts made to put the University of Maine on a line budget will, I think, in the future result in an attempt to intimidate the independence of the University, attack the academic freedom through the budgetary process. I would also suggest that after discussion with one of the gentlemen who is perhaps more familiar with the budgetary process than I am, that there may indeed be constitutional issues involved here.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to set the record dead straight. We in the legislature, the session that the gentleman from Eastport, Mr. Mills, is talking about, among other things, for the University of Maine and other departments, we appropriated \$500,000 for student aid. And I was in the Council Chamber when an order came in to use that money for repairs to a building. Those are the facts. That is what I want to do with this order.

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

Mr. MILLS: Mr. Speaker and Members of the House: As a point of information, I was talking about the classification of those people at the University of Maine.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any quarrel with the content of this order

at all, but I would like to briefly discuss it.

Back several years ago — I would just back up a little step before that — my understanding of the statutes are right now that the budget officer has a right to request any department — and I interpret the University of Maine as a department in this respect — in submitting their budget for approval on forms provided by the budget office. Back several years ago, I did ask the Attorney General if this applied to the University of Maine. I was informed in writing that it did at that time. The thing was never pursued any further as to whether they could make them comply with the line budgeting, and this became a second issue. I had some feelings that maybe you could not make the University comply with the line budget. You could tell them to submit their budget on a line budget, but that was as far as it went.

If you study the legislation relative to the University of Maine, you will find that there is not a great deal of legislation — I guess they call it almost a private or semi-private corporation, in one sense of the word, which receives a grant of money from the State of Maine.

This order, if passed today, I am not sure just exactly what strength it really has. My understanding of an order is that it is really the thinking or intent of the legislature, and that thinking confined solely to this legislature. Would this order have any binding or any strength on the next legislature? My understanding is, from what I have known over the years that I have been here that it doesn't have any strength in the next legislature. The day that this legislature adjourns or goes out of existence — it might not adjourn, but it goes out of existence early next January, that all of these orders become null and void. They become meaningless. The budget that would have to come in that this order might affect, in my opinion, would not have to comply with this order.

I think if they want to insist that the University of Maine comply with line budgeting, I think it would require changing the statutes. So frankly, I guess because of my own personal

conscience, I guess I am going to vote for the indefinite postponement of this order.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from East Millinocket is just right. That is what this order does. It has the intent of changing the statutes:

"Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill for legislative consideration by March 14th that requires the University of Maine to present a budget to the 107th Legislature which specifies the campus, the department and the program for which the appropriation is to be utilized." I don't see anything more specific than that, Mr. Birt. If you can, why spell it out for me and I will be delighted to listen to you, because I value your opinion.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer just one more question that the gentleman from East Millinocket, Mr. Birt, raised. The University of Maine is not, and I repeat "not" like any other department in the State of Maine.

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

Mr. BITHER: Mr. Speaker and Members of the House: I am slightly confused again this morning. I am looking at Rule 54. I do not mean to imply that I am against this order whatsoever, but if this is a new order, do we not have to have one day?

The SPEAKER: The Chair would answer in the negative. An order such as this does not require the one day change that an order in the rules themselves requires. The Chair thanks the gentleman.

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 Lewiston, Mr. Jalbert, that this Joint Order, House Paper 2024, receive passage. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Cooney, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Dow, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery, D. F.; Farnham, Faucher, Ferris, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, McTeague, Merrill, Mills, Morin, L.; Mulkern, Murchison, Norris, O'Brien, Palmer, Parks, Perkins, Ricker, Rolde, Ross, Shaw, Sheltra, Shute, Silverman, Smith, D. M.; Snowe, Soulas, Stillings, Tanguay, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard.

NAY — Ault, Bustin, Connolly, Curtis, T.S., Jr.; Farley, Farrington, Gahagan, Jackson, Lewis, J.; McKernan, Morton, Murray, Najarian, Peterson, Pontbriand, Pratt, Rollins, Simpson, L.E.; Talbot, Wood, M.E.

ABSENT — Brawn, Briggs, Conley, Donaghy, Evans, Fecteau, Immonen, Kelley, R. P.; Morin, V.; Santoro, Smith, S.; Sproul, Strout, Susi, Trumbull.

Yes, 113; No, 20; Absent, 16.

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

Sent up for concurrence.

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

Majority report of the Committee on Business Legislation on Bill "An Act Providing for No-Fault Motor Vehicle Insurance" (H. P. 1938) (L. D. 2475) reporting "Ought to pass" as amended by Committee Amendment "A". (H-738)

Report was signed by the following members:

Messrs. KATZ of Kennebec
COX of Penobscot
MARCOTTE of York

—of the Senate.

Messrs. MADDOX of Vinalhaven
HAMBLEN of Gorham
TRASK of Milo
DESHAIES of Westbrook
DONAGHY of Lubec
JACKSON of Yarmouth

—of the House.

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

Report was signed by the following members:

Messrs. TIERNEY of Durham
O'BRIEN of Portland
Mrs. CLARK of Freeport
BOUDREAU of Portland

—of the House.

Reports were read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and specially assigned for Monday, March 11.)

Majority Report of the Committee on Business Legislation on Bill "An Act Providing for Maine Motor Vehicle Insurance Reform" (H. P. 1963) (L. D. 2504) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. KATZ of Kennebec
COX of Penobscot

—of the Senate.

Messrs. DESHAIES of Westbrook
MADDOX of Vinalhaven
TRASK of Milo
DONAGHY of Lubec
HAMBLEN of Gorham
JACKSON of Yarmouth

—of the House.

Minority Report of same Committee on same bill reporting "Ought to pass" as amended by Committee Amendment "A" (H-739)

Report was signed by the following members:

Mr. MARCOTTE of York
Mrs. CLARK of Freeport
BOUDREAU of Portland
Messrs. O'BRIEN of Portland
TIERNEY of Durham

— of the House.

Reports were read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and specially assigned for Monday, March 11.)

The Chair laid before the House the following matters of Unfinished Business, Bills in the Second Reading:

Bill "An Act to Establish a Small Grants Program for Municipal Conservation Commissions in the Department of Conservation" (S. P. 818) (L. D. 2320) (C. "A" S-377)

Bill "An Act to Expand the Line Budget in the Department of Mental Health and Corrections" (S. P. 846) (L. D. 2415)

Bill "An Act to Provide for the Use of Building Code Standards in the Design of State Buildings" (H. P. 2016) (L. D. 2557)

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

Bill "An Act Authorizing Municipal Auditoriums to Have a Liquor License" (H. P. 2013) (L. D. 2553)

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

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

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: There are some of us that I think disapprove of opening up municipal auditoriums to liquor because of those who attend events and affairs at these auditoriums, especially younger people, and because of this, I would like at this time to move for the indefinite postponement of this Bill and all accompanying papers and ask for a roll call on the motion.

The SPEAKER: The gentleman from Calais, Mr. Silverman, moves the indefinite postponement of this Bill and

all accompanying papers and requests a roll call vote.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this gem. It is placed in here as the result of a request of the city fathers here in the community, instigated primarily because of our problems at the Augusta Civic Center.

As you may well know, 10 of the rooms at the Civic Center — this building covers some two and a half acres — we have 10 rooms devoted to the University of Maine for classroom space. We have another 16 rooms which are either auditoriums or conference rooms able to accommodate from 10 to 200 people. In addition to this, we have an auditorium which will accommodate some 8,000 people. This has been a fairly sizeable business. It has been extremely important to us. It is the largest civic center or auditorium of its kind in northern New England. We compete with a great many people to bring business into this area.

I think you well know, it has served as a center for the basketball tournaments and many other things. A building as large as this may have some youthful activities going on, also, at the same time, simultaneously, other men's groups or business groups meet and one group will never know that the other is even there.

This history of this particular bill is that it came out of committee 8 to 4 for passage, a majority report to approve this particular measure. We feel that as far as youngsters are concerned, we certainly are not attempting to endanger them or expose them to liquor, but you cannot operate as it is now. If this thing is moved for indefinite postponement, we will not be able to sell any kind of liquor. As it is, we think being in a liquor state we are providing some control over the activities and some protection for young people which we are otherwise not going to have.

I might also call to your attention that this bill provides for local option first. In other words, this goes on the ballot to be voted on by everybody in the community. After that, there is a public

hearing before the city fathers to determine whether or not a license will be given. I hope you oppose the motion to indefinitely postpone.

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

Mr. TANGUAY: Mr. Speaker and Members of the House: Having voted to oppose this bill "ought not to pass," I would like to explain my position.

If this bill passes, it will give the right to a municipality, namely Augusta at the present time, and later on in life Lewiston, Portland, Jay, all of the communities in the area whereby municipalities will be able to get liquor licenses in direct competition with the local licensees.

We have in Augusta, I am sure, and these people don't dare to come forward and oppose these liquor bills, because they know what adverse effect it has upon them in the future whereby enforcement is concerned.

You will find that if the municipality gets a license that there will be very little enforcement. And I say that for the simple reason that any civic groups that I have been involved with or catered to in the past, whereby local armories in Lewiston were catered to, that there is very little law enforcement involved. We have had this gem before us in one form or another for the past six years where they want to open up these auditoriums, and I don't think it is the right approach to license municipalities whereby they would be in direct competition with the licensees in the area. I doubt very much if any of you would like to see the city of Augusta go into the clothing business. I am sure that this auditorium, if they go into the clothing business, get the City of Augusta in the clothing business, they would do a tremendous business and they could undersell everybody and even support this little gem of theirs. Why not go into the interest business? The City of Augusta could easily go into the interest business. Why not go into the automobile business? Actually, we have got licensees who today have strived to stay alive. They have difficulties to meet their expenses and the expenses on all licensees are going all the time. I doubt very much at this present time that it is

the right approach to liquor problems of one community, because this is going to grow. It is going to mushroom. The first thing you know, there will no longer be private individuals in the business. It will be strictly municipalities and the state.

We have a lot of proponents that say that the state should get out of the liquor business, let private enterprise take it over. Well, we are cutting out on private enterprise when we go into municipalities.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to wholeheartedly agree with the remarks of my good friend and colleague from Augusta, Mr. Brown. I would hope that the House would vote against the indefinite postponement motion of my equally good friend, Mr. Silverman. Mr. Silverman's argument is that because you use this municipal auditorium, such as the Augusta Civic Center, that there should be no liquor on the premises.

In that event, I think you would have to agree, if we followed his argument, we would have to close every cocktail lounge in the state that was adjacent to a restaurant where children come in and eat. I think it is a spurious argument. I hope the House will vote against the indefinite postponement.

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

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: Very, briefly, would Representative Brown please clarify whether this goes out to referendum. I think that he said that it did, but I think there are people here that would like it clarified.

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

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is voted on at local option. Now, in addition to a local option question, which would

be voted on by the voters of any given community, there is also a public hearing, subsequently, to determine whether or not a license should be issued. This public hearing is also held before the town fathers.

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

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

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify one point that was mentioned by the Representative from Lewiston, Mr. Tanguay. He suggested that perhaps enforcement might not be up to par.

I would like to suggest that you look at the bill. If this bill is enacted, this kind of licensee will be the only licensee of the many several kinds of licensees that we have that would be required under the law to notify both the Liquor Commission and the Bureau of Liquor Enforcement 24 hours in advance of any function where they are going to serve liquor. I would suggest that perhaps the matter of whether or not it would be properly enforced, the chances are much better that it would be properly enforced in this case than in any other licensee.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Silverman, that Bill "An Act Authorizing Municipal Auditoriums to Have a Liquor License," House Paper 2013, L. D. 2553, and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Berry, G. W.; Berry, P. P.; Birt, Bither, Bragdon, Brawn, Bunker, Cameron, Churchill, Clark, Cote, Crommett, Curtis, T. S., Jr.; Davis, Dunn, Emery, D. F.; Evans, Farnham, Finemore, Gahagan, Hamblen, Hunter, Jacques, Kelley, Lewis, J.; Littlefield, Murchison, Parks,

Peterson, Pontbriand, Ricker, Rollins, Sheltra, Shute, Silverman, Tanguay, Tierney, Trask, Tyndale, Walker, Webber, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Ault, Berube, Binnette, Boudreau, Brown, Bustin, Carey, Carrier, Carter, Chick, Chonko, Connolly, Cooney, Cottrell, Dam, Deshaies, Dow, Dudley, Dunleavy, Dyar, Farley, Farrington, Faucher, Ferris, Flynn, Fraser, Garsoe, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Hoffses, Huber, Jackson, Jalbert, Kauffman, Kelleher, Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Merrill, Mills, Morin, L.; Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Palmer, Perkins, Pratt, Rolde, Ross, Shaw, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Talbot, Theriault, Twitchell, Wheeler, Whitzell.

ABSENT — Briggs, Conley, Curran, Donaghy, Drigotas, Fecteau, Gauthier, Immonen, Kelley, R. P.; McCormick, McNally, Morin, V.; Santoro, Smith, S.; Sproul, Strout, Susi, Trumbull.

Yes, 46; No, 86; Absent, 18.

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

Mr. Farnham of Hampden offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-742) was read by the Clerk.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Much of the discussion so far this morning, or practically all the discussion, has pertained to the Augusta Civic Center. There is no question in my mind whatsoever that the Augusta Civic Center, due to its great size, could have liquor on the premises and in no way interfere with any youth groups that were in session.

However, this is one building out of many. This building covers acres, or

practically so. Others are smaller structures in many of our towns and they go under the name of city hall, town hall, recreation center, or whatever you want to call it. In many of these small buildings there is an area for boy scouts to meet, girls scouts to meet. There is an area where small dances could be held or small dinners could be held.

Now, the bill as written reads as follows: "However, there shall be no sales of malt liquor, wine or spirits permitted during any school activities or events primarily attended by minors in the rooms where these activities are taking place." Now, as far as this bill is concerned, there could be a boy scout meeting on the first floor in Room 10, a girl scout meeting on the second floor in another room but Room 15 could have a bar operating, but this bar wouldn't be operating in the rooms where the children were, but they are in the same building and in very close proximity to it. All my amendment does is to strike out that part of the act that will say "in the rooms where these activities are taking place." It strikes out that portion of it. I hope you will vote to adopt the amendment.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am very interested in what the gentleman's last remark was. All my bill does is say that they cannot serve in the rooms where these activities are taking place. I might also tell you that this just guts this bill completely. You couldn't sell liquor. Not only does it gut this bill, but it guts the current statute which says you can have a caterer on the premises. So this is far more serious in its implications and what it is driving at than what the original — the first motion for indefinite postponement.

Again, I can understand the matters which the gentleman brings it up, and then after that there is a public hearing. I have a suspicion that the city fathers or the town fathers of any given community will take very careful consideration of the activities which go on in any town hall or municipal auditorium as well as what we do here at Augusta.

I hope you will oppose the amendment,

and I move for the indefinite postponement of the amendment.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was going to make the same motion myself, so I hope the House will support it.

I will say again, this kind of an amendment is a way of saying that you shouldn't have a bar in a place where there is a restaurant. Perhaps Mr. Farnham's philosophy could also be extended by a general law to say that parents should not have a cocktail party in the same house where their children live. It seems to me to be a very antiquated idea. I hope the House will indefinitely postpone this motion which kills the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Brown, 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.

80 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

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

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

Mr. SIMPSON: Mr. Speaker, I move we reconsider our action whereby we passed to be engrossed item 5 under bills in the Second Reading on page 6.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House reconsider its action of earlier in the day whereby Bill "An Act Relating to the Powers of the Milk Commission, House Paper 2014, L.D. 2554, was passed to be engrossed.

The Chair recognizes the same gentleman.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I will tell you just exactly what I would like to do with this particular piece of legislation, and that is that I would like to place it right on the table unassigned until we find out just exactly with the bill we had this morning until it goes to the Senate

and we find out what we do with it, whether we enact it or whether we don't. I think we are in a dangerous situation. If we should get into a conflict with the two bodies you are going to end up with absolutely nothing. I feel it is wise that we hold this bill right here for a time until we see what takes place.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I support reconsideration.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action of earlier in the day whereby this Bill was passed to be engrossed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

104 having voted in the affirmative and 1 having voted in the negative, the motion did prevail.

Thereupon, on motion of Mr. Simpson of Standish, tabled unassigned pending passage to be engrossed.

Bill "An Act Relating to the Powers of the Milk Commission" (H. P. 2014) (L. D. 2554)

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

Bill "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons" (H. P. 2015) (L. D. 2556)

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

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: I move for indefinite postponement of this bill and all accompanying papers.

I am not against penal reform as such, but this bill is simply too broad. It is going too far and too fast. We seem to be more concerned about the rights and privileges of convicted felons under the heading of prison reform. What about the person who has been robbed or

assaulted or raped or whatever? What is the State of Maine doing to help these persons rehabilitate or to recover for their damages? Absolutely nothing. We seem to have our priorities confused with this bill.

Now this would include more adequate police protection or have our courts adopt the less lenient attitude — I could buy it — but it does not. It is all one way, and this attitude seems to prevail throughout the country, and it is not working.

The crime rate continues to climb and climb as we become more lenient. They seem to be directly related. The situation is getting worse rather than getting better. It seems to me that the pendulum has swung too far to the left and it's time that we returned to some fundamentals and place our priorities with crime prevention and more realistic court attitudes before we adopt penal reform.

This bill would have us more concerned with the rights of felons than the rights of individuals.

Mr. Speaker, when the vote is taken I request the yeas and nays.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I believe, it was Wednesday, that there was some question on this bill as to an appropriation or a need for funding. I checked with Legislative Finance Office and I find that there are six people attending our University Vocational system and there are two in our private colleges at the present time. The six are on the Work Release Program and two are parolees. Their education is being paid for with Vocational Rehabilitation money, which is eighty per cent federal and twenty per cent State. One person attending may possibly be eligible for GI funds. One attending our University system lives in the County Jail and Vocational Rehabilitation pays the bill. I would suggest that certain Departments have hidden costs in their budgets to cover the cost of education for persons confined in Thomaston and South Windham. In my mind, this is crooked. I think we are faced with legislation that has been presented before us which smells. I think there would have been

appropriations on this bill if certain individuals had been honest with us.

I am very concerned, I have read this bill, I have had certain connections with this Department involved, and hopefully, you people will indefinitely postpone. Section II of this bill liberalizes our penal system to the point of no return. I do not know all the members that have served on this Commission, but let me tell you here, today and now, that the members of the Commission were not, in my mind, a consensus of views on penal reform. I feel this Committee was loaded with persons thinking in the liberal light, liberalization of prison reform, and people who had a voting record that was consistent with this view. I do not think this is a time for the State of Maine to start programs that were started in other States and in five or six years we jump on the bandwagon and try to get the programs that the other states initiated. I would point out that what has happened in Massachusetts, Connecticut, New York and California has not worked. You still have your riots. You have your people speaking out against justice. And in many of these states, the institutions, you find these people have closed, today they have been reopened.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I too rise to support the motion of "indefinite postponement" on this bill.

The other day, the gentleman from Augusta, Mr. Sproul, raised the question of, shouldn't there have been a fiscal note on this bill? It was said by many that there was no money involved in here. Well, I still have a serious question in my mind since he raised this question. There may not be any additional money required to fund this bill because maybe we have already done as the gentleman from Strong, Mr. Dyar, said; in some of the hidden parts of the Budget of other Departments. And I would refer, specifically, in this case to Section 529, on the Institutional School Administrative Units authorized. Now when it says that the Bureau of

Corrections may establish and operate schools in the various institutions, under its administrative supervision, and this will be done for all purposes in accordance with Title I, then I am sure that there has been money hidden in one Department to take care of this problem. And I would have liked to see that come out in the bill as to what the actual cost would be.

The other thing that really disturbs me is that, in the court system that we now have in the State, we are not getting anybody into the penal institutions to begin with. And already we have here a bill for us to get them out. Now, if we had legislation that would require mandatory minimums for the judges to set on the cases they had before them, then I might be a little more lenient to go along with this allowing the extended good times to let the inmates out. But we don't. So this is another one of my objections to the bill. In Part B, it speaks to the State Occupational Licensing Boards taking into consideration the past record. Well, I'm sure that that won't have too much effect anyway.

Now already last week, or this week, I don't remember which, we had a petition presented to review the procedure that is being used by the judges. And already the people in the State of Maine, I know in my area, that they are upset the way the courts are handing out sentences. They are not handing them out; they are letting everyone go. And we are going to have a very poor system if we keep it up the way we are going, opening up the State of Maine to crime and not protecting the taxpayers.

Now, in the Lewiston Evening Journal, there was a case involved in the courts of a gentleman that was charged with defacing a traffic control signal, at an excavation site, he pleaded guilty and he was fined \$50.00 and given a suspended sentence of fifteen days in the County Jail. So we're not going to get the people into the penal institutions. So, therefore, there isn't any need to get them out. Because in this same paper, the other gentleman was only charged \$50.00 for defacing the signals at the excavation site and endangering other people, so he paid his \$50.00. In another case, the gentleman pleaded, intoxication disturbance, and he pleaded guilty and

he paid a fine of \$25.00 for threatening a police officer. Why that didn't require any payment of any fine, so that case was filed.

Now, going to the Morning Waterville Sentinel of today, and turning to Page 23, an item entitled Kennebec Jail, one of the best. Waldo must improve or close. It goes on in the article saying, that Richard B. Haskell, the Jail Inspector, Assistant Director for the Bureau of Corrections. And right there, that alone, is enough to make me want to read the rest of the article. And I, as I read down through this, I see where the Assistant Director of Correctional Institutions, saying, Mr. Haskell, said, "Jails are rapidly becoming unneeded. But for the next ten or fifteen years, they must be brought up to the standards of the Corrections Bureau". So, already they are saying that the jails aren't needed. And we are saying here today, if this bill is allowed to pass, that the prisons would be unneeded in a few years because we won't have inmates in those prisons, and they will all be walking the streets of the State of Maine. Another thing that really disturbed me today in the Sentinel was an item on Page 2. It reads, "suspended sentence on an arson charge. Several area men have received suspended sentences after pleading guilty in Kennebec County Superior Court. Included was Stephen M. Richardson, age 18, on the China Road, Winslow, who pleaded guilty to arson on January the 8th, to a woodframe house on Route 23, owned by Lucinda Mitchell." And he was given a suspended sentence to the Men's Correctional Institution and placed on probation for two years. Well, this placing on probation doesn't show me too much, because when you go on probation there isn't really too much to it, and you can more or less go about your way of life and do anything you want.

I don't think that the people in the State of Maine, in whole, wants us to make crime any easier for the criminal in the State of Maine. I have had so many people ask me, and when I stand on an issue, ERA was a hot issue, and I received quite a few letters on that. But as far as the people coming to my home or calling me, I don't think I have every received any more communications on

anything, about what are you going to do about protecting the citizens of the State of Maine against this criminal activity. The other thing they are asking; "when are you going to do something about letting the people out of the prisons after they have been put in?" I'm sure now that if we were going to pass this bill allowing all this additional time for good behavior, this is not what the people in the State of Maine want. Because after the man is sentenced, he never gets there, in quite a few of the cases anyway. And then we are saying in this bill, if he does get there, well, by the time he walks in we are going to start thinking about letting him right out. This is the main reason I oppose this bill. And I don't oppose any bill because of any strong personal feeling; I oppose it because the people in my area have indicated to me that they wanted me to oppose it. And that is the reason why I am opposing this bill. And the other reason being because I don't think this bill is strictly an honest bill in its entirety because it does not tell what the cost is going to be to the State of Maine.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I arise this morning to support the motion of Mr. Deshaies for the "indefinite postponement" of this Bill.

If I recall, during the Regular Session, we had a bill before us, in regard to giving furloughs to prisoners, and at that time, I related a story, if it can be called that, in regard to one individual who had been let out on furlough and what transpired in the town next to me, the town of So. Bristol. This individual was out on furlough. He broke into an old man's home. He held the man at gunpoint, took his car keys, smashed the car up in Waldoboro, and was finally taken into custody.

This week, appearing in my local paper, there is an article in regard to two culprits, who rode through the town of Boothbay Harbor, with shot guns blazing, shot at a man's house, shot some of his windows out and drove on. The man went out onto the lawn to see what was happening, they returned, and he had to duck to the ground because they fired at him; this time, with pistols.

I'm wondering, in my own mind, what is going to happen to these two individuals. I believe they had had a previous court record. And I am sick and tired of the vandalism and the disregard for law and order that is going on in my county, Lincoln County. I think it's about time that we paid a little regard to the victims of these individuals and do something for them. I certainly go along with the suggestion of Mr. Deshaies.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased to hear Mr. Dyar agree today with me. What I told you yesterday, that is what we have today, is too much permissiveness. Something has to be done to cope with it. In fact, I have heard over the media, since yesterday, and this morning, that the States of Massachusetts, New Hampshire are doing much to change their laws in order to make it much stricter, to what is happening in this State and the country today.

Mr. SPEAKER: The Chair recognizes the Gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: To say the least, I feel inadequate to speak of the bill before us. I have a great deal of respect and agree with the philosophy of my good friend, Mr. Deshaies, Mr. Carrier and those who have concern for law and order, and especially for treatment for the citizens of the State of Maine in a better and higher degree, than, in some cases, given to our criminals.

I had an amendment prepared. I realize at this time it is not germane to the motion before us.

I'll tell you a little story. At the outset I offered this same proposal which has to do with mandatory sentencing for those committing crimes, no probation and no parole, offered this to the screening committee. And they refused to let it come before us. Apparently I have chosen a very poor gem to attach this amendment to.

Those of you who do not know, there will be a memorandum on this very same subject that the House does not see

fit. I would hope that somehow we might, as a legislative branch, feel the pulse of the people and do something about it rather than to have them speak out on the matter.

We have had before us an Order, or the Legal Affairs Committee, to study this matter. I feel that a study on a problem that we already know about and should act on is not in the best interests of the population of the State of Maine. What good can become of sitting for hours and listening to people who have the same gripes as we now realize seems like a waste of time and money.

It has been said that this House of Representatives is the highest law in the land. I would hope that we might exercise responsible moves to clarify and to set straight once and for all that we as representatives of the people recognize the problem and we want to do something about it. Many have said that mandatory sentences don't amount to anything. At least we will give an expression to the people of the State of Maine who are fed up. The honest people of the State of Maine are fed up with thievery, arson, burglary, and what have you. And that we intend for those who commit these acts to be severely punished.

Now the proposed program of rehabilitation, and this is all we hear from those who make studies from the level of the Executive Department down through, we should at least put these people in institutions where they can be cured, whether these be illnesses or just habitual criminals. The expense that the counties and the State is incurring by the repeats is astronomical. Those that are in our State Prison for breaking and entering constitute better than half of the inmates down there. And the term that they serve is hardly time to rehabilitate them at all.

I have a great deal of compassion for anybody in trouble. And I think everybody here in the House has a great deal of feeling for people who get in trouble. But I don't think we are going to help them by allowing them to go out and repeat and repeat. And I don't think we can explain ourselves or excuse ourselves out of not doing something concrete to correct this problem.

I hope that you will allow this

amendment to go on that I have, if for no other reason than to bring it before the people and allow us a little emphasis in this area if we do have to go into referendum. Which, incidentally, will be filed with the Secretary before the thirty days after this session, after the next session starts. So I will repeat the motion so I can get my amendment on.

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

Mr. DYAR: Mr. Speaker and Members of the House: I think it would be the wrong thing to do this afternoon to hold up a bad bill to put on a good amendment.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I have listened with interest to everything that has been said, hoping perhaps that everything will be said with respect to this bill that is controversial so that we all can think about it. I am particularly interested, because everyone that has spoke is very fortunate as continued criminal action; very fortunate in its leniency for its criminals; and very much interested in trying to provide a means to protect the general welfare of the people of the State of Maine.

And I agree one hundred per cent with everyone who has previously spoken, that that is precisely the goal that I have. And if there is any question as to what the people of the State of Maine want, there is none in my mind that they want law and they want order. And they want a reduction in crime and criminal activity. They want to be sure they can walk the streets of the State of Maine and be safe in doing so. And yet, everyone to a degree, or many of those who have spoken here today have, instead of their concern for the general welfare of the people of the State of Maine, not intentionally, but by virtue of insisting upon keeping our colleges of crime in their present state, spoken in respect to that as a means of providing a general public welfare safety. And I can not for the life of me understand, when history has shown that that does not produce the answer we are looking for, see how we can say that we shouldn't do everything

within our power to provide a means of reintegration of individuals back into society where we can feel safe with the individuals. You know, you just can't say two to four and expect these people to come out and be reintegrated automatically as an upright citizen. It just doesn't and hasn't worked for many, many years; hundreds of years. And I agree one hundred per cent, if we want to go far enough and say, "All right, lock them up for life. Do away with them. Throw the key away." Then do it. That, ladies and gentlemen, will protect the public. And if that is what we are really looking for, then fine. I'll support that if that's the answer. But I also remember that there was a man one time said, "We can eliminate certain behavioral patterns, certain traits of those people that he did not like by doing away with them." We can do the same thing with the poverty question. We can say, "eliminate poverty." You know how we can eliminate poverty? We can eliminate poverty by making sure that we have a system of breeding that produces only the numbers of people that we want; only the numbers of people that will make sure we don't have any poverty. Furthermore, we can say selective people as to who will do the breeding. Furthermore, to be sure so the behavioral pattern is what we want, we will select certain individuals who will do the rearing. And we can look to a future that will be something horrible. And at the same time we will eliminate the poverty problem.

Eliminate the problem of the elderly by doing away with them when they reach a certain age. But that is the most ridiculous thing that I can think of. And I don't want to eliminate society.

I'm worried about the fact society perhaps coming some day. I know I won't be around for it. I hope my children aren't around for it. And I hope my grandchildren aren't around for it. And I really hate to see it happen. But this is the same thing we can do with the criminals. We can do away with them; lock them up for life. But not this half pregnant attitude we have about criminals; two to four, five years, a certain term, and automatically they're supposed to come out, automatically, on

a given day, and they are cured. We don't believe it, really. But that is what we have permitted by our laws. We invented the laws. The legislature enacted the laws that said a certain penalty will be provided for a given offense. So how, in heaven's name can we as a legislature at the same time say that we don't want to do everything within our power to make sure that in the process for the welfare of the public that we don't try to educate if necessary to see that they know what a job is if they've never had one? Is that right to the general public out there in the streets? No, I don't believe it. I really don't believe it. And yet, I believe everything these other people have said before me in terms of their concern about the people, their concern about promiscuousness. I am, too. Some of their issues that were raised are being studied. Prevention; yes, that's being studied. Restitution; yes, that's being studied. And; no, it's not an easy answer. No; we don't have it today. And; no, maybe we won't have it next year. But it's something we've got to try to at least do. And these measures aren't that — why, to listen to some of this discussion here, you'd swear to God that I had a green elephant in front of me or a green donkey.

In respect to the question of the cost under non-geographic school; yes, that question was raised the other day, and I did get an answer; I can report to you indefinitely that under the bill as presently drafted there is no State funding would be used. I could go on with what it says, but it — that's the answer to the question; there's no State funding involved with this.

In respect to Mr. Dyar's assertion that presently State funds are being used in terms of the education that's being provided under the present system, that has nothing to do with this bill. That is something, if it is going on, it's going on. But that's under this bill. And perhaps he wants to tack an amendment on it to do away with it. I don't know. But that doesn't have anything to do with my bill or this bill.

So, you know, I really feel so inadequate in terms of trying to express my sympathy and understanding, and relate to the others who have spoken in

regard to this. I am in accord with their goals and directions. But I sincerely believe that this is one small step that we can take to get to that degree or that answer.

Insofar as there is the suggestion of an amendment to provide mandatory sentencing, I made it very clear to the Representative from China, Mr. Farrington, that I am not in favor of mandatory sentencing for the first offender. I think anybody can make a mistake. I still do. I would not; and I say this with one hundred per cent of sincerity in terms of a second offender; I have no objection to a mandatory provision that he be incarcerated. And, again, I would agree that under this bill we are not tearing down the walls of our prisons or institutions.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: Very briefly, and I will be brief, but I feel I must express myself on this issue.

I have listened very intently to the gentleman from South Portland, Mr. Perkins. And I know that he is sincere in his feelings. Personally, I disagree with him. I think this bill is continuing in the wrong direction, a direction we have been following for years. I cannot agree with him that it will work.

It sets up a bill of rights for convicted individuals who have broken the laws of society which we have set up to govern ourselves. I think they abrogate their rights pretty much when they break these laws. It is too bad that it has to be that way.

I have to call your attention to — I was down in New Hampshire last weekend and I happened to be in the area of New Hampshire where just recently a girl was raped, a young girl was raped by a bunch of hoodlums. Her parents advised her to go into court and testify against him, which she did. All the mayhem of the thing, and I assume they were let out on bail, they caught up with her, they beat her up and killed her. Because of that, I can tell you that the feeling in that area of New Hampshire was certainly running very high. They certainly were not in a frame of mind to cater to criminals of any type or any age.

I firmly believe that the things we are facing in this county — I point out this one, I pointed out the possibility that 300-odd people crashed the other day in the woods over near Paris, possibly this was motivated by something done by one such misguided individual.

We have a case in California where a girl is now being held and her parents are asked to bail her out with their money. Some might subscribe to the idea that this is one way of equalizing the wealth. I submit to you that I believe that there are better ways and we are gradually using them.

I just can't feel that the people of the State of Maine, the people that we are responsible to, believe in some of the recommendations in this bill. I am all for rehabilitation when it can be done. But this idea of a guy being placed in the State Prison and write a bill of rights for him that says that he shall have so many days off a month, I feel confident that the majority of the citizens of the State of Maine do not subscribe to that idea. It is awful nice to say that a fellow in State Prison for a heinous crime should have a right to go home on a Saturday night to be with his girlfriend or his wife, whichever he might choose. But I am sure that the people of the State of Maine that are concerned with this thing do not subscribe to the idea. I wish that I could go along with the provisions in this bill, but I sure cannot. I have got to go along with the gentleman from Westbrook, Mr. Deshaies. I think he is completely right, and I hope you indefinitely postpone this bill.

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

Mr. SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I fully concur with the preceding speakers in reference to indefinite postponement of this bill. My first thought is arrest versus convictions, for instance. You all know perfectly well that the number of convictions relative to arrest is staggeringly very low. As a matter of fact, I dare say that if anyone in this House were convicted of a crime, even as much — let's go all the way and say rape, even — the percentages would be that there wouldn't be a conviction. I am sure of it because of the burden of proof

that has to be provided and set forth in such crimes.

Consequently, I feel that even in our lower crimes, I feel that the convicts are not first offenders. I feel that these convicts have been arrested many many times and finally the instrument of justice prevails and they in turn find themselves in a position to be confined.

I certainly would hate to see a warden face a convict and say to the prisoner, "Gee, I am awfully sorry you find yourself here. Perhaps you got a raw deal upstairs in the court room. It just seems so unfair. But in your stay here we are going to make you as perfectly comfortable as possible. As a matter of fact, from this day on that you have to serve, we are going to give you time off for good behavior." This is completely absurd.

Even in searching employment, when you take a job, your first six months you are on a trial basis. You can't even join a union or have any kind of protection in that type of endeavor. And here we are, as my good friend Louie Jalbert often says, here we are giving the store away before the gentleman has even entered the store. This is what it amounts to.

You take any of us that entered the service, for instance, the Marines or what have you, the first 20 days we had basic training and we were taught and we were told. And I think any prisoner being convicted should have 30 days of hard labor to start with, pursuant to his physical capabilities, and then from that day on, we will talk about reform and days off for good behavior.

I hope you indefinitely postpone this bill.

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

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

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

Mrs. WHITE: Mr. Speaker and Members of the House: I concur with the statements made by the gentleman from

South Portland, Mr. Perkins, and I feel that we were right and did a good thing yesterday when we voted by a reasonably good majority to pass this bill. I hope we will do the same today. I don't feel that the measures in this bill are as bad as many people seem to feel, and I think that when they are implemented they would be helpful.

We hear over and over again that jail is not a deterrent. They are not too concerned. If they are going to commit a crime, they will commit it. I feel that we can help them by giving them some rehabilitative education.

I would like to recall to your memory the statements that were made yesterday by the gentleman from Eastport, Mr. Mills, who certainly knows what he is talking about. He has been a warden and does know. He says that this law should have been enforced 40 years ago.

I hope you will not indefinitely postpone this.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker and Members of the House: I just want to state that I agree with my very dear friend, the gentlelady from Guilford, Mrs. White, and to concur in the ideas that she has expressed and those expressed by my other good friend, Mr. Perkins from South Portland.

It is my feeling that the public safety is not served by returning bitter, vengeful and angry people to society. Our penal system is among the most progressive in the country, and we should continue to make it more so. I think our streets are safer for it. I think the passage of this bill will promote public safety.

If we wish to bring the offender back in the mainstream of meaningful work and prevent a repetition of crime, some opportunities for him must be made possible.

Now, this will not do all of the terrible things that the opponents of the bill say it will do. There are only four sections, A through D. Section A is a simple policy statement, and I think it is very intelligent and humane. There is no substantive content in that statement; it doesn't change the law.

Section B simply helps ex-offenders

get a job. And I don't think anybody in this House is against that. Section C simply makes prison schooling eligible for federal funds. We have got the schooling now. The money is being spent now. The only change that this bill would bring about is that it would now be eligible for federal funds as it presently is not. Section D does not unload a whole lot of time on a lot of bad guys. It allows this good-time credit to be withdrawn for any misconduct. And if you will look closely at Section D, you will see that up to one third of the good time can be taken back from the inmates for a single act of misconduct. Three bad things takes it all.

I think this is an excellent bill. I voted for it in committee and I am going to vote for it on the floor of the House today and against the motion for indefinite postponement.

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

Mr. DESHAIES: Mr. Speaker and Members of the House: My very good friend Mrs. White from Guilford brought up the name of Mr. Mills behind us here. A few days ago he stated that he was a police officer in Massachusetts for many years — 30 years, I believe, and he was in favor of reform. So am I. But he failed to mention what the crime rate was back then and the attitude of the courts back then. The crime rate back then, in his day, doesn't even compare with what it is today, when the courts and the public got a more realistic attitude towards criminals.

I am not against penal reform. I don't advocate cruelty to anyone, but I also cannot overlook the rights of our citizens. They have to be protected first.

We are putting the cart before the horse with this bill. If we could improve crime prevention and reduce our crime rate and improve the attitude of our judicial system, I would be all in favor of penal reform, but not before, not before we correct these other areas. In heaven's name, first things first.

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

Mrs. WHITE: Mr. Speaker and Members of the House: In reply to Mr. Deshaies, my very good friend, I think

part-time constituent, I believe he is up to my area part of the time, I would say that yes, crime is greater today but so is population.

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

Mr. CARRIER: Mr. Speaker and Members of the House: Although it would be my desire to go limp on this, I will not, and I promise you I will be very brief.

I am not in the position of the belief of throwing somebody in jail and throwing the key away. This is not what we promote and we want to see. I do wish to say that giving legal rights to prisoners, and this is what it does on the second page of the L. D., is not a simple policy. It is a most dangerous and a most serious policy to provide, and this is what this document provides.

I am not here to tear down the walls of the institution, but I am not here to see the people of this state being torn emotionally by fear because some people are given all kinds of time off. It seems that we have done a lot for the prisoners and we have not done as much for the public, and this is what I am interested in, the public.

I want to call your attention that in today's paper, the second highest law officer in the state, the Deputy Attorney General, Mr. Cohen, actually came out and said he would be in favor of the death penalty if that ever comes over here, too.

I also want to recall to you that here recently a gentleman was presented 4,000 petitions because the people of a certain county in this state were disgusted with the laws that we have in the workings and their permissiveness that is allowed. I want you to take that into consideration, and I hope that you move to indefinitely postpone this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Deshaies, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Binnette, Bither, Boudreau, Bragdon,

Brawn, Cameron, Carey, Carrier, Carter, Chick, Churchill, Cote, Cressey, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farley, Faucher, Ferris, Finemore, Flynn, Fraser, Gauthier, Genest, Good, Hamblen, Herrick, Hunter, Kauffman, Kelley, Lawry, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McMahon, Merrill, Morin, L.; Murchison, Palmer, Parks, Pratt, Rollins, Shaw, Sheltra, Shute, Silverman, Soulas, Theriault, Trask, Twitchell, Tyndale, Walker, Webber, Willard, Wood, M. E.; The Speaker.

NAY — Ault, Baker, Berry, P. P.; Birt, Brown, Bustin, Chonko, Clark, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dow, Dunleavy, Farnham, Farrington, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jackson, Jalbert, Kelleher, Kilroy, Knight, LaCharite, LaPointe, Lewis, J.; Martin, McKernan, McTeague, Mills, Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Rolde, Simpson, L. E.; Smith, D. M.; Snowe, Stillings, Talbot, Tierney, Wheeler, White.

ABSENT — Albert, Briggs, Bunker, Conley, Crommett, Curran, Fecteau, Hoffses, Immonen, Jacques, Kelley, R. P.; Keyte, LeBlanc, McNally, Morin, V.; Ricker, Ross, Santoro, Smith, S.; Sproul, Strout, Susi, Tanguay, Trumbull, Whitzell.

Yes, 71; No, 54; Absent, 25.

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

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

Mr. **SOULAS**: Mr. Speaker, I now move for reconsideration and ask for a roll call.

The **SPEAKER**: The gentleman from Bangor, Mr. Soulas, moves the House reconsider its action whereby this bill was indefinitely postponed and requests a roll call.

For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting.

All those desiring a roll call 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 Bangor, Mr. Soulas, that the House reconsider its action whereby this Bill was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Birt, Brown, Bustin, Chonko, Clark, Connolly, Cooney, Curtis, T. S., Jr.; Dow, Dunleavy, Farrington, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Hancock, Hobbins, Huber, Jackson, Jalbert, Kelleher, Knight, LaCharite, LaPointe, Lewis, J.; Martin, McKernan, McTeague, Morton, Mulkern, Murray, Najarian, Norris, O'Brien, Perkins, Peterson, Pontbriand, Rolde, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Stillings, Talbot, Tierney, Wheeler, White, Wood, M. E.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Cameron, Carey, Carrier, Carter, Chick, Churchill, Cote, Cottrell, Cressey, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Farley, Farnham, Faucher, Ferris, Finemore, Flynn, Fraser, Gauthier, Genest, Good, Hamblen, Herrick, Hunter, Kauffman, Kelley, Kilroy, Lawry, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McMahon, Merrill, Mills, Morin, L.; Murchison, Palmer, Parks, Pratt, Rollins, Shaw, Sheltra, Shute, Silverman, Theriault, Trask, Twitchell, Tyndale, Walker, Webber, Willard, The Speaker.

ABSENT — Briggs, Bunker, Conley, Crommett, Curran, Evans, Fecteau, Hoffses, Immonen, Jacques, Kelley, R. P.; Keyte, LeBlanc, McNally, Morin, V.; Ricker, Ross, Santoro, Smith, S.; Sproul, Strout, Susi, Tanguay, Trumbull, Whitzell.

Yes, 51; No, 74; Absent, 25.

The **SPEAKER**: Fifty-one having voted in the affirmative and seventy-four in the negative, with twenty-five being absent, the motion does not prevail.

Sent up for concurrence.

On motion of Mr. Birt of East Millinocket, the House reconsidered its action of March 7, whereby Senate Paper 926, Joint Order relative to the Committee on Veterans and Retirement to Report out a Bill establishing a veterans home, received passage in concurrence.

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

Mr. BIRT: Mr. Speaker, I move the indefinite postponement of this Order and would speak briefly to my motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the indefinite postponement of this Order.

The gentleman may proceed.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I know it is getting late and I regret having to do this, but it was the only way I could hold this. I have some real serious reservations as to what we may be getting into with building a veterans home. I would personally prefer to have this studied with a bill reported in the next session. I don't believe that we have the time in this session to report out a bill and know what we are getting into. If this motion to indefinitely postpone does prevail, I will then introduce an order calling for a study with a full report to be presented in the 107th legislature.

Thereupon, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage:

WHEREAS, the State of Maine is the only State in New England which does not have a Veterans Home; and

WHEREAS, the nearest residential domiciliary facility maintained by the Veterans Administration is located in Rome, New York; and

WHEREAS, the Women's Correctional Center at Skowhegan would be an appropriate and desirable location for such a facility and entitled to federal funding if its present use is terminated; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council is

authorized and directed to study the feasibility of utilizing the Women's Correctional Center at Skowhegan for a Veterans Home and to determine by what means such use shall be funded if it should be determined feasible; and be it further

ORDERED, the Senate concurring, that the Legislative Council is authorized and directed to study the feasibility of utilizing the Women's Correctional Center at Skowhegan for a Veterans Home and to determine by what means such use shall be funded if it should be determined feasible; and be it further

ORDERED, that the Council shall report the results of their findings and recommendations, including any necessary implementing legislation, to the 107th Legislature. (2025)

Thereupon, the Order was read.

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

Mr. KELLEHER: Mr. Speaker, I move the indefinite postponement of this Order and would speak to my motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of this Joint Order.

The gentleman may proceed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: What I would like to see is an order come in. I just don't disagree with Mr. Birt's order entirely, but I just think the Veterans Committee should be studying this and not the Legislative Council.

There was an order presented here on behalf of Mr. Pratt, and it was just postponed and I didn't disagree with that, but as far as this order is concerned, I think that the Veterans and Retirement Committee should study it and not the Council.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope to clarify the gentleman's statement, and maybe when I get through he will

withdraw his motion to indefinitely postpone, but with the Legislative Council operating now instead of the Legislative Research Committee, all orders are referred to the Council and the Council in turn then refers them to the appropriate committee that would do the study.

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

Mr. KELLEHER: Mr. Speaker and

Members of the House: I stand corrected, and I thank the gentleman. I withdraw my motion.

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

(Off Record Remarks)

On motion of Mr. Simpson of Standish,
Adjourned until Monday, March 11, at
one o'clock in the afternoon.