

# 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 15, 1974

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

Prayer by Canon Roger Smith of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Non-Concurrent Matter**

Joint Order (H. P. 2042) Relative to the Committee on Transportation to report out a bill to repeal law requiring headlights on motorcycles which was read and passed in the House on March 14.

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

In the House: On motion of Mr. Simpson of Standish, the House voted to recede and concur.

**House Reports of Committees  
Ought to Pass  
Printed Bill**

Mr. Bither from Committee on Education on Bill "An Act to Increase the Borrowing Capacity of School Administrative District No. 70" (H. P. 2045) (L. D. 2577) pursuant to Joint Order (H. P. 2036) reporting "Ought to pass"

The Report was read and accepted, the Bill read once and assigned for second reading the next legislative day.

**Divided Report**

Majority Report of Committee on Labor on Bill "An Act to Eliminate the Mandatory Waiting Period for Unemployment Compensation Applicants who Have Lost Income as a Result of Electrical or Petroleum Product Shortages" (H. P. 1870) (L. D. 2369) reporting "Ought to pass" in New Draft (H. P. 2046) (L. D. 2578) under new title "An Act Eliminating Waiting Period under Employment Security Law"

Report was signed by the following members:

Messrs. TANOUS of Penobscot  
KELLEY of Aroostook  
— of the Senate.

Messrs. FLYNN of South Portland  
McNALLY of Ellsworth  
HOBBINS of Saco  
McHENRY of Madawaska  
BINNETTE of Old Town  
FARLEY of Biddeford  
Mrs. CHONKO of Topsham

— of the House.

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

Report was signed by the following members:

Mr. HUBER of Knox

— of the Senate.

Messrs. GARSOE of Cumberland  
ROLLINS of Dixfield  
BROWN of Augusta

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, I move acceptance of the "Ought to pass" report.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the Gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise again this morning as your House Scrooge, to explain my reasons for signing the Minority position. I think I would not be out of order, Mr. Speaker, in calling the members' attention to the consent calendar where we have a rather unusual document, a unanimous report of the Labor Committee, extending the unemployment benefits in coordination with the Federal extension.

I feel we should consider these things together because they both have an impact on the fund which was set up to reduce the impact of unemployment. What this bill we are considering now is to eliminate the waiting period. We should understand that anyone unemployed for four weeks or more is paid for the first week. This is a substantial departure from the basis for which the fund was originally set up. Originally, it was a two week period, but I want you to be sure you understand

that the first week is paid if someone is out of work for four weeks or more. The fund formula was changed in the Regular Session and this factor was never given any consideration that the waiting period would be eliminated. This bill came in, as you will note by the title, as a response to the energy crisis. But it soon became apparent that it was discriminatory, unconstitutional and perhaps unenforceable, because no one would know exactly where the line is to be drawn as to who was out of work because of the energy shortage, whether it was direct unemployment, secondary unemployment. And, in fact, is the individual was out of work, through no fault of his own, because of the energy crisis, any more to be considered than the individual who was out of work for reasons beyond his control.

This thing is given to us by the Department of the Employment Security Commission and indicated a possible impact on the fund of about a million dollars. I believe this thing is overly conservative inasmuch they are based on the number of waiting lists not paid last year and at the level of benefits last year. We are told that in considering the extension on the consent calendar that unemployment is experiencing an upswing. We know that the benefits are going to be at a higher rate. And I feel that just as accurate a figure of estimating the impact is two million dollars. I would say that at best the parameters you should be thinking of as you consider this matter. Going back to the formula, this formula was based on figures that were available at the end of December. There will be no opportunity to reflect the increase draw that this bill might bring about. And the fund at its present formula, without waiting eight days, is currently down from the time of our hearing from twenty-eight million to 25.2. I would hope that we could strike a balance here and drop this one and not follow Mr. Hobbins recommendation to accept the Minority "Ought Not to Pass" and then go ahead with the extension of benefits.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I feel as

though I must reply to my good friend, Mr. Garsoe, because after a person has lost his job, whether the plant is closed up or because of this energy crisis, I really believe that having to wait four weeks before he can draw any compensation, I think it is wrong. Anything we can do to help the poor, unfortunate, person who is out of work to get his compensation, at the earliest possible moment, I am for it. And I think there are many of you people here who feel the same as I do. Therefore, I certainly hope that you will accept the motion "Ought to Pass".

The SPEAKER: The Chair recognizes the Gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I can't sit here and have the gentleman from Old Town make such a statement; that you have to wait four weeks before you draw unemployment benefits. He talks about plants. I am sure he is thinking of shoe factories, mills, something like that. But many small employers are involved in this and beyond this. And by the way, this is a total tax on the employer; the employee pays nothing on this toward his unemployment compensation.

What we are talking about is a one week waiting period. And after four weeks, this is forgiven and they get their pay, as I understand it, for that first week.

I am wondering how many people are involved, and I would ask Mr. Hobbins or someone else, that has studied this bill and the sponsor was, I believe, Mr. Hobbins, how many people and how much money will be involved in this one week? Because many people are not out of work more than one week. How is this going to affect this fund that is already that is going on the downside?

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBINS: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Lubec's question; let me take a minute here and tell you of the cost factor that is involved in this proposed piece of Legislation.

Commissioner Levesque, who is a former member of this distinguished body, testified at the hearing.

Commissioner Levesque quoted a figure of one million dollars, which was questioned by many people from many lobbyists opposing the bill. His figure projected the cost of a million dollars. Commissioner Levesque didn't inform us of how many people who would be affected, but he did say it would not cost any more than a million dollars. And if the fund we have now, which Mr. Garsoe, the gentleman from Cumberland, quotes as twenty-five million dollars, Commissioner Levesque feels is adequate, and this one million dollars would not be a burden on the fund—enough to raise the premiums.

This bill before us had a very thorough airing before the Labor Committee, and as you can see, the majority of the Committee, looked into this matter and decided that they should act upon it to help alleviate the working crisis that confronts the State of Maine at the present. This bill has the support of all the labor organizations, support of Man-Power Affairs, and I hope the support of you. When the vote is taken, I request the yeas and nays.

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 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 Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there have been some things brought out here this morning that I'm not sure I have the complete answers to yet.

First of all, we put a bill in that has an emergency clause on it, because it is supposed to be affecting so many people right now, the energy crisis, that's all we heard and, in fact, the emergency preamble is filled with it. In fact, the bill itself said it directs itself right to those results of shortages in petroleum, and electrical supplies. I would like to know why a bill came in that is supposed to be so important that it would have an

emergency clause on it and was supposed to be directed to the energy crisis, which, evidently in my mind, that the Committee felt that he no longer thinks it applies, so instead they replace it with a bill to repeal the whole thing forever and a day. I would like to have some of the people who signed the majority "Ought to Pass" report to give us a good explanation why all of a sudden, they feel as though the energy crisis is no longer part of the bill and this thing ought to be with us forever and a day?

The SPEAKER: The pending motion is the motion of the gentleman from Saco, Mr. Hobbins. The Chair recognizes that Gentleman.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: If I may respond to the comments made by the gentleman from Standish, Mr. Simpson. As you can see from the title of the bill, this bill was drafted because of what has happened to the unemployment rate due to the energy crisis.

After consulting with the Commission of Manpower Affairs, members of both the lobbyists and labor unions, we have found that this bill was considered class legislation and it was very hard to tell the difference, between a person who was primarily unemployed because of the energy crisis or secondarily unemployed because of the energy crisis. I will cite an example for you. If a person works in a store, which is close to a factory, and the person in the store becomes unemployed; under this bill, before it was amended by Committee Amendment "A", this person would not be entitled, if he was laid off, the elimination of the one week period, because he would be directly affected by the energy crisis by petroleum shortage, we will say that the factory closed down or was shut down because of lack of adequate petroleum, on electrical electricity. So, you can see, because the bill was class legislation, we did have to amend the bill to include everyone, not just people directly affected but also those people secondarily affected or indirectly affected. I hope I explained why we did this because, as I said before, the cost of the bill is one million dollars. I like the figure quoted by Mr. Garsoe, of Cumberland, of two million dollars. As I

said before, if we passed this bill we will not get an increase in premiums for the employers of the State of Maine. This means that a person, who becomes unemployed will be able to receive his benefits the week after he becomes unemployed.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Under the present setup the unemployment is paid on the basis of all the large industries that laid people off, these people are paid for that week. You are laid off on Friday, the following Thursday they give you the paycheck, so due to unemployment they, the Labor Committee took this into consideration. However, with the energy crisis, a lot of people who work in small business are being laid off, who work until Friday and get their paychecks on Friday. This is one area where the one week period would be really taken advantage of. I hope you support the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: There are a couple of statements I would have to take issue with.

The guarantee that there will be no increase in the tax, I believe, is unsupported by any testimony that was given to us. These changes that come automatic, triggered by the balance in the fund. And so when this fund becomes depleted there will be triggered increases in the taxes. I think one of my most important objections is that this was conceived as a means of alleviating an energy situation of crisis proportion. When it was discovered that this would be unconstitutional, it then becomes a sideway movement to completely eliminate the waiting period in relation to this fund.

I think a more responsible course of action would have been if this was contemplated, they should have gone to the fund formula and made the adjustments in that, so that we would have had this done in an orderly and proper way. This has not been done and I

don't believe this is really serious legislation.

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

Mr. WHITZELL: Mr. Speaker, Ladies and Gentlemen of the House; Last year during the Regular Session, I sponsored legislation which would have been exactly the same draft as this bill is now. It would eliminate the waiting period right from the beginning. It is not an unusual concept as it is done in several other states. The people that were opposing it at that time were the heavy industries, the paper mills. The reason that the paper industry was there representing itself, was saying, in fact, that because we don't have these temporary lay-offs, these one-week shut-downs and whatnot, that we really do not feel that the bill was necessary. The bill was not put in because of the paper industries, heavy industries are doing fine, all of them are surviving well. But the small industry, the textiles, the leathers, and the small manufacturer is the guy who is turning, who has to, because of economic conditions, lay people off.

The reason I put the bill in was because of a request at the time, of some people who worked in the shoeshop in Gardiner, and textiles, and when those people were laid off, they were laid off for one week at a time, in what they call an inventory week. When they were laid off for that one week they were paid for the Friday that they left work but they didn't receive a paycheck for that week that they were out. And when they went back to work the following week, it was two weeks before they had a paycheck in their hands.

The time element isn't nearly as bad as the fact that a couple who had come to see me, both worked at the same shoe shop, they were both laid off for that one week, and because of being laid off and not having a check for two weeks, they had to go to town help. They went to the town welfare officer and received \$13.00 or \$14.00 for groceries. They were harassed at that time to get the \$13.00 or \$14.00 money at that time and they were harassed at that time to get the thirteen or fourteen dollars paid back to the town. What happened after that was that he

was laid off and on unemployment, and being on unemployment and her working, they never really got ahead enough money so that they could pay the \$13. Eventually they did; they started paying off \$2 a week. What they said was, there seems to be a great injustice in this.

The textile workers over there, it is not an unusual situation where these plants do say, what we are doing is we are changing our orders, therefore we are shutting the plant down for one week. Well, shutting the plant down for one week saves them one week's payroll. So to that plant, it is a cash saving, but to those people who work there, it is a cash loss, and that is why we need to do away with this one-week waiting period.

Remember, it is the heavy industries that are doing well in our economy. The paper industry earned more money in the last year than they have ever earned in the past, and they were the ones that were there again opposing this bill, because their theory seems to be since it is not our industry that receives the benefits of the unemployment compensation money that he put into it — in other words we are not getting back our fair share — then we don't feel that anybody else should get it. In other words, another benefit which they would be paying for and not receiving for their employees, but the fact of the matter is that those industries enjoy a better economy than the little manufacturers and those that are not making fantastic salaries or union wages.

So if we enact this, remember that we are doing it for probably two thirds of the people of Maine who are working in the shoe, textiles and the light industries and not for the paper industries.

The SPEAKER: The Chair recognizes the gentlelady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would refer if I might to another bill which we have on our desks this morning which isn't on the calendar, "An Act Eliminating the Waiting Period Under the Employment Security Law." To me, this seems to be a duplication, perhaps. This would also eliminate the waiting period. Could anybody answer this for me, please?

The SPEAKER: The gentlelady from Madison, Mrs. Berry, poses a question through the Chair to any member who may answer if he or she wishes.

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

Mr. FARLEY: Mr. Speaker and Members of the House: that is the bill under discussion of the House? We got it a little late on our desks, 2578.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentlelady is looking at the first item on the Consent Calendar, which is an extension of the unemployment benefits, and we are currently discussing the elimination of the waiting period. I think these should be looked at together.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I can't understand some of these bills that come in here. Somebody goes to work for the State and they have to work a week before they get a check. If they want to go down and go on unemployment, they immediately get paid. So it sort of figures that a fellow goes to work for the State ought to be paid a week in advance to sort of even things out.

They say this is in favor of a few people. Well, in Gardiner we used to have a fairly big industry down there called Gardiner Shoe. I think it was the biggest employer in the city. We had another one called S. D. Warren Paper Company, which was probably the best paying industry in the city. Because of gems like this, we don't have either one of them. Now the fellows that worked in there, a great many of them were friends of mine, are up here looking at the State House looking for jobs up here because they haven't got anything down there. I don't think this is a very good bill.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: The gentleman from Gardiner, Mr. Whitzell, implied that if these people that were out of work for a week, if they got unemployment

compensation this would solve their problems. I thought there was a little time length between the time you filed a claim and the time you got your check. It is something new if there isn't. I can't see how these people would be in any different straits than they were laid off with the inventory period, because unemployment compensation cannot, at least other than the Augusta area, and I don't believe Augusta is any different, there is a time length between the time the claim is filed and you get a check. As a matter of fact, there is sometimes in a year where they have a heavy claim service and it is substantially more than a week before you get your check.

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

Mr. WHITZELL: Mr. Speaker and Members of the House: Briefly, I would like to answer Mr. Donaghy's questions and probably his remark is that — first of all, under unemployment compensation that there is income replacement, whether it is immediate or if it takes two weeks. There is income replacement, and under a loss of income undertaking that week without any benefit there is just simply one week's wages lost.

The SPEAKER: A roll call has been ordered. The pending question is on the question is on the gentleman from Saco, Mr. Hobbins, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Berry, P. P.; Berube, Binnette, Birt, Boudreau, Brawn, Bunker, Bustin, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Cote, Cottrell, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dunleavy, Emery, D. F.; Evans, Farley, Farnham, Faucher, Ferris, Finemore, Flynn, Fraser, Gahagan, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaPointe, Lawry, LeBlanc, Lewis, J.; Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Mills, Morin, L.; Mulkern, Murray, Najarian, Norris,

Palmer, Perkins, Peterson, Pontbriand, Ricker, Ross, Shute, Silverman, Smith, D. M.; Soulas, Stillings, Talbot, Tanguay, Theriault, Tierney, Tyndale, Wheeler, Whitzell, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Bither, Cameron, Cressey, Dudley, Dunn, Dyar, Farrington, Garsoe, Hamblen, Hoffses, Hunter, Immonen, Kelley, Knight, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, McCormick, Merrill, Morin, V.; Murchison, Parks, Pratt, Rollins, Shaw, Simpson, L. E.; Snowe, Sproul, Strout, Susi, Trask, Trumbull, Twitchell, Walker, White, Willard, The Speaker.

ABSENT — Bragdon, Briggs, Brown, Conley, Connolly, Cooney, Fecteau, Huber, LaCharite, McNally, O'Brien, Rolde, Santoro, Sheltra, Smith, S.; Webber.

Yes, 91; No, 43; Absent, 16.

The SPEAKER: Ninety-one having voted in the affirmative and forty-three in the negative, with sixteen being absent, the motion does prevail.

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: I got here rather early this morning and the topic of conversation more or less centered around the Speaker's remarks as to when we would be out of here, and I don't think the remarks I am going to make are necessarily going to make you hilarious, Mr. Speaker. But being a realist, and I in no way want to assume any position of clairvoyance or leadership or anything, but I want to assume the position of one who is a realist.

I inquired from some members of the Judiciary Committee where their Errors and Inconsistencies Bill was at the present time. I am told there are 14 or 15 more items to be taken up, and then the bill itself to be taken up, that being done on Tuesday, I presume.

The State Government Committee has worked diligently and incessantly on what I think is an overburdened amount of bills. We have among them what could



be a little controversial, the conflict of interest measures that I have yet seen to come up here.

This morning, we have been here since nine o'clock, and I think every item practically that comes on the calendar from now on is a big item.

Not assuming in any way any leadership or divulging anything that should not be divulged, as far as my own committee is concerned, but I have been on that committee for two decades, I should know what the tempo is. Part II of the budget is not yet completed. We intend to meet Tuesday. I think if peace reins it could be conceivable that we would be finished with Part II, as far as the committee is concerned, sometime Tuesday, which means that our aides would work Wednesday all day and possibly it could be on the Senate Calendar by Thursday. I don't know in what shape it is going to come out. I know it is a lengthy report; I know there are several items in it, and I know it could possibly be controversial. It should certainly be debated. It certainly could be amended, like any other measure, including errors and inconsistencies in the bill. The big wrap-up bill I haven't even seen or heard of yet.

Somewhere along the line, in my humble opinion, I think that those who are looking at the 22nd are whistling in the dark. I would almost say that those who are making book might be right if they would start laying it on the line on Friday sometime during the night the 29th of March.

(Off Record Remarks)

### **Consent Calendar**

#### **First Day**

(H. P. 1942) (L. D. 2482) Bill "An Act to Enable the Temporary Extension of Unemployment Compensation Benefits as Provided by Recent Federal Legislation as a Result of the Energy Crisis" Committee on Labor reporting "Ought to pass" as amended by Committee Amendment "A" (H-764)

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

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

Committee Amendment "A" (H-764) was read by the Clerk and adopted and

the bill assigned for second reading the next legislative day.

### **Second Reader**

#### **Later Today Assigned**

Resolve, Permitting the County of Kennebec to Expend Money for Public Ambulance Service" (H. P. 2037) (L. D. 2572)

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

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

Mr. FERRIS: Mr. Speaker, Ladies and Gentlemen of the House: I anticipate some debatable matters on item one, the ambulance bill for Kennebec County, and I would request that somebody might table this until the sponsor returns to his seat in the House, Representative Brown from Augusta.

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

### **Passed to Be Engrossed**

Bill "An Act to Clarify Certain Election Laws" (S. P. 914) (L. D. 2526) (S. "A" S-373) (S. "B" S-380) (S. "C" S-388) (S. "D" S-397)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This is the election law omnibus bill, and it is primarily corrective in nature. But it does do several things that I thought perhaps you would like to be made aware of before you vote on such a thing.

First of all, since we have brand new districts, it sets up a new concept. And there is going to be a Registration Commissioner in each district, appointed by the Governor with the consent of the Council, at a salary of \$25.00 a day when they are actually in session.

It says nomination papers — as you know, you can sign nomination papers for one person for each office. This also adds, "nomination petitions," which are the third party papers that you can sign.

It says, "that material will be shipped in packages," — just adding an 's' — it was package. And if we sent the material in one package to each city or town, in Portland it would be large enough for one of my full-wide elephants.

The polling places are going to be contiguous, if not in the exact ward. And this allows for that. It says that a person on election day can register, but he must register in person. The present law says that the Clerk himself must deliver absentee ballots. And this says the Clerk delivers or causes to be delivered.

And the Federal returns — the people running for office for our Governor, Congress or Senator — have to file Federal returns.

Now, Senate Amendment 373 refers to municipal officers changing the polling place, which is all right. 380 you might be interested in, because it says that anyone convicted of a felony not only will not be permitted to vote, but cannot be a candidate for any State office.

Senate filing 388 is a very interesting one for those of you who have been in the organizational part of politics. The City Clerk of Portland found in the Federal Regulations concerning the post office an item in there that you could use post office facilities at a moderate fee to correct all sorts of mailing lists. And he wondered if that included our voting lists. He inquired. They didn't think so. They took it to higher authority. The ruling was; yes, it does. So any person in any city or town can use the facilities of the Federal post office to bring up to date your voting lists. And this just spells that out.

Senate filing 397 just changes the wording. As we have it now it is specifically, eighteen-year-olds. And this changes it to voting age, since that is an interpretation of the Federal Constitution.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the gentleman from Bath, Mr. Ross, what the function of a Registration Commissioner is?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, poses a question through the Chair to the gentleman from

Bath, Mr. Ross, who may answer if he wishes.

Mr. ROSS: The Registration Commission will be over the Boards of Registration in an administrative detail only.

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

Mr. HANCOCK: Mr. Speaker and Ladies and Gentlemen of the House: I would like to add a word or two to the very excellent explanation that was given by the gentleman from Bath, Mr. Ross.

In a comprehensive bill like this it is difficult to remember everything. But perhaps between the various members of the Election Laws Committee we can. In addition to the things that he said; also, there is a provision in one of the amendments that would compel any municipality on the request of a political party to allow them to use municipal facilities for their caucus. We have had occasion — and this occurs to both parties — sometimes when there is a little bit of a conflict and it costs a political party money to hire a building or a room. This would eliminate that deficit in the party's budget, whichever budget it is.

Secondly, and Mr. Ross explained this in part; about the person convicted of a felony is not allowed to vote or to run for office. Because of the 90 days before this act will take effect, this does not refer to anyone at the present time who may be attempting to run for high office who is also in one of our correctional institutions. So we are not changing the rules in the middle of the game for anyone involved here. We are merely eliminating this possibility, if you all accept it, in the future.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In looking this bill over, going over the section on Registration Commissioners, I would ask a question to anybody in the House who could answer it. Does this mean that a town, and I know of one town that has 62 people, this organized town has 62 people within the town. I don't know how

many of those are children and how many are registered voters. Does this mean that the Governor will appoint a Registration Commissioner in that town to supervise registration, and he will be approved by the Council? Do I understand this right?

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: There will be a Registration Commissioner appointed for each voting district; not town. The entire district. If your district is comprised of three or four towns there will be one man or one woman appointed to serve in that capacity for the district.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to further answer that question for the gentleman from East Millinocket.

There are three of those districts now in the State. One is Kingman; the other is Connor; and the third is Sinclair. Those are the three districts that are presently covered under this bill.

I would like to pose one question. One of the amendments as I understand it, and it has been discussed, talks about municipalities providing the necessary space for a caucus room. I don't want to be facetious, but I do want to say that there are a number of towns that don't have municipal buildings. And I wonder what the municipality is going to do if the school administrative district owns the school building and the town doesn't have a town hall; can we force the school district to give us a room in order to have a caucus? And I would pose that as a question to members of the Election Committee.

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

Mr. HANCOCK: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question; the amendment reads; "At the request of a municipal committee of a political party municipal or town officials shall provide available space in the public building for the caucus." I do not believe — this is my thinking — that it would require of a school district, which is a

quasi-independent district of itself, if there are no town facilities, if the town does not have a town hall, there is little that can be done at this point. The municipal officers just could not comply with the request because there is no space.

In most of our towns, areas, there is something available to them. But for those towns that don't have it, some other arrangements would necessarily have to be made.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: Also in regard to this L.D., there is one Senate Amendment that I oppose, and I don't think it is right. It is Senate Amendment S-397.

In small towns it would cause quite a confusion to have people come up and enroll the last minute. Because you are supposed to notify the town that they were formerly enrolled in by postcard that they are changing their enrollment. And in my area they could go from one town to the next and vote in two municipalities. And not only that, but the Clerks are supposed to have, or the Registrar, have these voting lists up to date so that the ballot clerks can check their names off. And if you had this it is going to delay others. Because if someone comes in and wants to enroll and register at that late hour, we will say fifteen or twenty minutes before the polls close, I don't see how it is possible to get these people on the voting lists and have them checked off. There would be two lists you would have to revise, maybe four. Because in my towns and the surrounding towns you have a Democrat and a Republican on each end of the polling place. Now, you are going to have to revise four voting lists before you can even let these people vote. I think it will cause more confusion than it will benefit.

I would like to see this Senate Amendment, S-397, indefinitely postponed. And I so move.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman from Orland, Mr.

Churchill; on the books right now is the provision that you can enroll and you can register on election day. That is an interpretation by the Supreme Court of the United States. There is very little we can do about it. This does not change that. It just changes, when we have spelled out eighteen years of age on election day; this deletes that and says any person eligible to vote. This really is a clarification of the present law. And we can not indefinitely postpone the present law, because it is an interpretation of the Supreme Court of the United States. So it would not accomplish what Mr. Churchill from Orland would like to do. He would like to have it impossible for people to register, and I don't blame him. There are many, many cases where it is going to be difficult. But the ruling has been given down; it is in our laws now. If we indefinitely postpone this amendment all we will be doing is going back to the wording in the present law which specifically says eighteen years; and we, in this, just say; eligible to vote.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: I don't have any opposition to this bill. But there is one thing that I would like to point out. And maybe the gentleman from Bath, Mr. Ross, could overcome this in some way in the Errors and Inconsistencies Bill.

And that is; in this morning's Waterville Morning Sentinel there was quite a spread, almost a third of a page, front page, on a town meeting. And it was on the election that was held in a town in Kennebec County. And this was not the only town that has been in the papers in the recent. The last three weeks there has been nine towns that are affected with this. The only town, being one of the larger towns, and I don't mention the town to stir the Representative from that town up, but the town was the Town of Oakland. And this in the Waterville Sentinel said the whole election may be challenged, and maybe even the town meeting challenged because people went down to register on election day, but they were told they could register, but they could

not vote on election day. Well, I think that maybe in this law somewhere, when we say register on election day, we should say register and vote, so that this would eliminate the confusion in these small towns. And, as I say, there's about nine of them involved right now, with only Oakland being the larger municipality where there's been any talk of any challenge of the town meeting process.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have read the piece on the morning paper, and I think sometimes the press doesn't get everything just right.

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

Mr. HANCOCK: Mr. Speaker and Members of the House: In reply to the gentleman from Skowhegan, Mr. Dam, he is entirely correct, of course, that there have been some problems at various town meetings on this issue. However, I would like to call to his attention and to the attention of the members of the House that this bill and all bills that come out of the Election Laws Committee come under Title 21. Town meetings and municipal elections come under Title 30. There is no way that we could change this bill to alleviate any problems that might exist at the town level, at the local level. He is correct, I believe, in thinking that possibly something could be done here in the errors and omissions bill.

Also, Mr. Speaker, while I am on my feet, I would like to reply to the gentleman from Orland, Mr. Churchill, if I might, in his motion to indefinitely postpone. I cannot agree with my very good friend this morning on that issue, because I think it is highly important and necessary these days of mobility and with the court rulings that we are getting that we comply with our court rulings and allow registration on election day, which we are now doing. This is part of the law. This merely clarifies the law so it is less discriminatory. I certainly hope that his motion to indefinitely postpone does not succeed.

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: If I am out of order, I will withdraw that motion.

The SPEAKER: A motion to reconsider may not be withdrawn.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In reply to my good friend Mr. Hancock, I think I am quite familiar with the election laws. When I came out of the service, I came out at the age of 21, I have not missed a town meeting since that time and that is 27 years, 28 years now. I have been involved in town affairs for that full length of time also. I am quite sure I know what title the town meetings operate under and what title the state elections operate under and what title the school elections operate under.

I am sure that my good friend from Casco would realize that there is also a problem in this for school district budget meetings when people apply to register and vote. There have been problems in that area also, as some district meetings the people have registered but they have been denied the right to vote, and that does come under Title 21. Your school district budget meetings and budget meetings for the issuance of general obligation bonds or capital outlay purposes. That is all in Title 21, and in one section notwithstanding population requirement that is cited in that section, I think that is Section 31.

The SPEAKER: The pending question is on the gentleman from Orland, Mr. Churchill, that the House reconsider its action of yesterday whereby Senate Amendment "D" was adopted. 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.

4 having voted in the affirmative and 49 having voted in the negative, the motion did not prevail.

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

The SPEAKER: The Chair recognizes

the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, Ladies and Gentlemen of the House: If I am in order, I would like to make a motion for reconsideration on a matter previously voted on this morning, item 1 on page 1 relative to the Committee on Transportation reporting out a bill to repeal the law requiring headlights on motorcycles. The vote that we took yesterday on this bill — am I permitted to debate my reconsideration motion?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves that the House reconsider our action whereby we receded and concurred with the Senate on item 1 on page 1 of the House Advance Journal and Calendar, Joint Order, House Paper 2042, relative to the Committee on Transportation to report out a bill to repeal law requiring headlights on motorcycles, which was read and passed in the House on March 14.

The gentleman may proceed.

Mr. BRAGDON: Mr. Speaker and Members of the House: We took a very decisive vote here yesterday on this bill. I hate to see this body yield as easily as we did this morning. There were many absentees at the time the vote was taken and it went under the hammer very easily. I think we made a mistake, and I hope we will reconsider it.

I have very high regard for all the gentlemen down in the other end of the corridor; however, I feel that they are so concerned with what looks like more important matters, including getting out and campaigning and other things, that they have a tendency to overlook this matter, thinking it is immaterial and unimportant.

I certainly do not agree that it is immaterial or unimportant. I think, as I said yesterday, we made a serious mistake when it passed earlier in this session. I am thoroughly convinced that there are a great many responsible, good, young citizens in the State of Maine that sincerely feel that they have been discriminated against in the passage of this order, and that sentiment is not going to be easily brushed aside.

I recognize that probably the gentleman down in the right corner would say that we are about to get out of

here possibly next week. I think I am more or less inclined to agree with the remarks of the gentleman from Lewiston, Mr. Jalbert, who has been here many years, and if we finish up next week that we would probably be doing it in a hurry. I think it probably to me seems more logical that we spend the greater part of two weeks.

I don't want anybody to argue that we don't have time to consider this thing because it is not that important. I sincerely hope that you will go along with my suggestion this morning for reconsideration of this matter in order that I might make a motion that would hold here between the two bodies to give these young people to further express their views and their dissatisfaction with what we have already done.

I think by taking this action, we will sooth some very ruffled feelings and feelings in the area which I am sure none of us wish to ruffle. I hope, ladies and gentlemen, you will go along with my motion for reconsideration and give me an opportunity to proceed further.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot agree with the gentleman from Perham, Mr. Bragdon, this morning. I have only been here two terms to his much longer service, but I have learned that I should accept defeat gracefully — I hope.

This bill has been defeated a number of times in this House. It is really, in my opinion, not that important. We could certainly give it a trial. I would hope that we do just what the Senate has done with it this morning.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I kind of hate to debate the good man from Perham, Mr. Bragdon, but since I did make the motion to recede and concur this morning, I would hope that you do not reconsider our action. I think a lot of us maybe were out last night and maybe some people don't get here in the morning, but when that bell rings at nine o'clock, as far as I am concerned, I think

the items of the day should be dispensed with and they were.

I believe we have to be practical and realistic. I agree with many of the things the gentleman said relative to the other end of the corridor, but I happen to also think that they are a body that just doesn't pass over things too lightly. They do give consideration to it. Very seldom can you ever go down there and change their minds, especially when a vote is as lopsided as we have had recently. I think we have had those indications and I think we would not be doing ourselves justice this morning by just prolonging this by sending it back down there and having it come back again and stay in non-concurrence. I think we should have receded and concurred. We did, and I hope we leave it at that.

The SPEAKER: The pending question is on the motion of the gentleman from Perham, Mr. Bragdon, that the House reconsider its action whereby it voted to recede and concur with the Senate. 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.

35 having voted in the affirmative and 58 having voted in the negative, the motion did not prevail.

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker and Members of the House: I have scanned the Horse Blanket that just came on our desk, and wishing to insure that the momentous occasion of yesterday which, because of its structure, could not appear in the record be not lost to posterity. I wish to place in the record the fact that on March 14 this House did recognize the Honorable Sam Slosberg for his outstanding record of State service in many capacities, predominantly as director of Legislative Research.

Initially, the record should show what I think is apropos, an Old Testament scriptural reference, that the Genesis of the idea for yesterday's Exodus from this House was without undue Levit(y)icus sprung from the fertile brain of one member of this body who was doing his Deuteronomy, namely, the

gentleman from Bath, Mr. Rodney Ross. I wish to congratulate that meticulously erudite gentleman for conducting a properly cavalier affair.

(Off Record Remarks)

### **Finally Adopted Constitutional Amendment**

**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 (H. P. 2018) (L. D. 2561)

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

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

**MR. MARTIN:** Mr. Speaker and Members of the House: I think now we must be serious about an issue that is most important. Up to this time, I think everyone has had a great deal of fun and levity with this particular issue, and I think that the time has come when we must realize that there is nothing that this body can do to get the issue to the people pursuant to the United States Constitution.

In Supreme Court decisions that have been handed down by the Supreme Court of the United States in past issues that have appeared and been accepted by this country, as amendments to the United States Constitution, they have ruled that once a state legislature has given its approval that it cannot rescind the action that it took. I am not arguing with the court's position, I am simply stating it.

Now we have an amendment which we hope to place in our State Constitution, and of course I have no objection to that, but I believe that it is giving those people who were opposed to ERA a false hope and a false security that somehow they can go to the polls in November and impress upon Maine people their opposition to ERA, and that will be used as a barometer for the next Legislature, to vote on whether or not the next legislature could rescind the vote that it gave to ERA. That, to me, would be a poor way of telling people that, yes, we are going to give you that opportunity,

but we know when we are doing it that it cannot be done.

I voted for ERA, and this record is very clear, but on the other hand, I do not think that we should give people false hopes. If you pass this today, this is exactly what you will be doing. So I would ask you to vote against final ratification of this constitutional amendment to Maine's Constitution.

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

**MR. ROSS:** Mr. Speaker, Ladies and Gentlemen of the House: On this issue, I am deadly serious. I have never been so serious about anything in my life. I have no false hopes about eventually repealing the former action of this House, but the legislature did approve the ERA amendment to the Constitution of the United States. However, this will not become a law until five other states have ratified it. This may be a great many years; in fact, it may never come to fruition.

Certainly those who espouse the ERA movement and its philosophy must surely support this if they were truly sincere in their indicated wish to make things fair and equitable for the women of our State, because this would make ERA for the State of Maine, if approved by the people, a fait accompli very soon. We would not have to wait for the other states to approve it. We would definitely have it on our books in two years, and I cannot see how those who favored the ERA constitutional amendment to the United States Constitution can possibly not support our doing the same in the State of Maine, where we, the Legislature of this State, the Supreme Court of this State, would then implement the law.

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

**MR. TALBOT:** Mr. Speaker, Ladies and Gentlemen of the House: I think it goes without saying that most of you know where I stand insofar as equal rights are concerned on many subjects. I think on this particular issue I have to speak out because I think, not only the sponsor but I think a great many or most of those people that are supporting this particular issue are using the people in

the State of Maine and are using their monies to do something that couldn't be done with the federal ERA bill. I think this is entirely wrong and I object. It cannot be done; it will not be done, and I don't think we should not let it happen. I am convinced that the other five states will ratify or will follow the wisdom of the State of Maine insofar as passing the federal ERA bill. I would, therefore, hope that you will vote against this particular measure as far as the real issues are concerned.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I support submitting this constitutional amendment to the people of the State of Maine. I think it is something that somehow or other we ought to do periodically.

I think many of us feel that because we have been elected to the legislature we somehow or other feel we have greater wisdom than most of the people. I don't believe any of us, when we took the oath of office in this chamber were certainly endowed with greater wisdom than we had when we walked through the door of this chamber for the first time. It may be humbling for many people in this legislature, when the results of this constitutional amendment are available. But whether we voted for ERA or whether we voted in opposition to it, I think it would be beneficial and it might help us to produce better legislation in the future.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a little rebuttal with the gentleman from Portland, Mr. Talbot, when he says this is the opinion through the fault of the good wisdom of the people of the State of Maine. This is not their good wisdom. This is the wisdom of the majority of the legislators, not the wisdom of the people.

I want this bill passed. I am not afraid of the vote of the people. I know that I was in tune with them and, I think these people who don't want this bill know how far out of tune, they will find out how far out of tune they were with the people of

the State of Maine. For this alone, I would like to see this go to referendum.

I want to be able to show you people how far out of tune you were with the people of the State of Maine. This is not so when you get up before this House and say follow the wisdom of the people of the State of Maine, because this wasn't the wisdom of the people of the State of Maine. It was just the words from the bare majority of this House. This didn't win by a great big majority here. So I resent that. And I hope this bill will go before the people and you will have a chance to see how they feel about this kind of thing.

There are many other things that go on here that should go before the people. There are some people here who are terribly out of tune with the people back home.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to continue to support this proposal as I have in the past. I would like to make a couple of comments because of the direction of the debate that seems to be going this morning. It would almost appear that someone who votes for the equal protection of the laws provision being included in the Maine Constitution is a person who is against equal rights for men and women. That is certainly not the case in my own instance.

The first point I would like to make is that this proposal has nothing at all to do with the U.S. Constitutional Amendment, which we have discussed, debated in previous sessions and we have now ratified in Maine. It may or may not be ratified by the additional five states that are needed throughout the country. What we are talking about here is an addition to the Constitution of the State of Maine. That is the first point I would like to make.

The second point I would like to make is that this is not a proposal to protect women. This is a proposal to do exactly as it says in this one sentence, "Equal protection of the laws shall not be denied or abridged on account of sex," and anyone who is familiar with the discriminatory laws, and we don't have very many of them, but the few that we do have left in the State of Maine, is



familiar with the fact that there are at least as many that are discriminatory against men as there are laws discriminatory against women.

The final point that I would like to make is that I am just as confident that the people of the State of Maine will approve this by an overwhelming vote as the previous gentleman was confident of the opposite result.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I, like the gentleman from Bath, Mr. Ross, couldn't be any more serious in this instance than anybody could be. In fact, I think an accusation has been thrown that we have had enough fun and levity with this, and seems to imply that I have been playing games with this and that I did this for fun to put some levity in this particular session. I can assure you that was not my intention and it never has been and never will be on any piece of legislation that I introduce or put my signature on.

I stood here the other day and told you that this was not an issue to get a feeling of the people of the State of Maine so that I, or anybody else, could come back into the 107th and rescind our action. We understood, maybe not the ruling of the Supreme Court, but the indecision of the Supreme Court faces this fact head on to such a degree that we realize a rescinding action probably could only come if the court decided to handle it through some of the cases that they have there now, or if Congress itself voted such legislation.

The only thing I can say to the gentleman from Portland, Mr. Talbot, it is probably a good thing that my voice is not as strong as it usually is or I would begin with him and end up with the Executive Office on the second floor, when he stands on this floor and says that I use the people in this State, their money, and that that is what I am doing in this issue. I can show him I am not; and to show him that the people in this State behind this issue really want to know what is going on, Mr. Speaker, when this enactment comes up, I would like the yeas and nays.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I supported the federal Equal Rights Amendment in this body and I support this bill for two reasons. I cannot justify, in my own mind, supporting the philosophy contained in the federal amendment in one instance, and not in this amendment in the other.

Secondly, if the national amendment is not adopted and this state amendment is, the people in Maine would be better off because of this being contained in our Constitution.

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

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House. After hearing comments in regard to this measure that is going to affect our Constitution, I don't see anything that is wrong with it. The people back home want to express themselves, and there is no better way than to let them do it through a referendum.

I think what is happening here this morning is nothing but fear of fear itself, that is all.

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: This being a Constitutional Amendment, it requires a two-thirds vote of the members present and voting. All those in favor of this Resolution being finally adopted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Cottrell, Curtis, T. S., Jr.; Dam, Davis, Deshaies, Drigotas, Dudley, Dunleavy, Dunn, Dyar, Emery,

D. F.; Evans, Farley, Farrington, Faucher, Ferris, Finemore, Fraser, Gahagan, Garsoe, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hobbins, Hunter, Immonen, Jackson, Kauffman, Kelleher, Kelley, R. P.; Keyte, Kilroy, LaPointe, Lawry, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, McCormick, McHenry, McKernan, McMahon, Merrill, Mills, Morton, Mulkern, Murchison, Murray, Norris, O'Brien, Palmer, Parks, Perkins, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Theriault, Trask, Trumbull, Tyndale, Walker, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Connolly, Cooney, Crommett, Curran, Dow, Farnham, Goodwin, H.; Hancock, Herrick, Jacques, Jalbert, LaCharite, LeBlanc, Martin, Maxwell, McTeague, Morin, V.; Najarian, Peterson, Pontbriand, Susi, Talbot, Tierney, Whitzell.

ABSENT — Briggs, Brown, Conley, Cote, Donaghy, Fecteau, Flynn, Gauthier, Hoffses, Huber, Knight, McNally, Morin, L.; Rolde, Santoro, Sheltra, Smith, D. M.; Smith, S.; Tanguay, Webber.

Yes, 105; No, 25; Absent, 20.

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

Thereupon, the Resolution was finally adopted, signed by the Speaker and sent to the Senate.

### **Passed to Be Enacted**

An Act Relating to Applicability of Workmen's Compensation Law to Employers (S. P. 802) (L. D. 2296)

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

An Act Offering Alternative Arrangements for Funding of Students Living on Federal Establishments (H. P. 2040) (L. D. 2574)

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

By unanimous consent, ordered sent forthwith.

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

Mr. MARTIN: Mr. Speaker, I would ask if the House is in possession of House Paper 1801, L. D. 2321, Bill "An Act to Increase the Minimum Wage?"

The SPEAKER: The Chair would answer in the affirmative.

Mr. MARTIN: Mr. Speaker, I would move we reconsider our action of yesterday whereby this body voted to insist.

Mr. Shaw of Chelsea requested a vote on the motion.

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

Mr. McTEAGUE: Mr. Speaker and Members of the House: I believe that we have had printed and distributed to us the amendment that I understand the gentleman from Old Town, Mr. Binnette, intends to offer. As you know, the House has been resolute at \$2.20, and the Senate has stuck with \$2 on the minimum wage. As I understand the amendment to be proposed by the gentleman from Old Town, it would propose a phase in from \$2 to \$2.10 to \$2.20. So I hope that the House will reconsider this so that Mr. Binnette may have the opportunity to offer that amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House reconsider its action of yesterday whereby it voted to insist. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 22 having voted in the negative, the motion did prevail.

On further motion of Mr. Martin of Eagle Lake, the House voted to recede from passage to be engrossed.

Thereupon, Committee Amendment "B" (H-745) was read by the Clerk.

On motion of Mr. Martin of Eagle Lake, Committee Amendment "B" was indefinitely postponed.

Mr. Binnette of Old Town offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-765) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

### Orders of the Day

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

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)

Tabled — March 14, by Mr. Perkins of South Portland

Pending — Motion of Mr. Farrington of South China that the House recede and concur with the Senate. (In the Senate the Bill passed to be engrossed as amended by Senate Amendment "A" (S-394) (Amendment ruled not germane to Bill in the House))

The SPEAKER: The pending motion was made by the gentleman from China, Mr. Farrington, that the House recede and concur. Subsequent thereto, the reading of Senate Amendment "A" and the Chair ruled that Senate Amendment "A" was not germane to the bill. Therefore, the motion to recede and concur cannot stand. It is not in order.

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

Mr. SIMPSON: Mr. Speaker, I move we recede and I would speak briefly to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves that the House recede.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I think the Speaker has pretty well expressed exactly where we do stand on this thing. The reason why I moved to recede is the fact that I do know that some people would like to debate the issue to try to save the bill that came out of Judiciary Committee, I think 11 to 2 "ought to pass." Should you recede, the motion then would be to reconsider our action whereby the bill was indefinitely postponed. And if that were done, you would be back in the position we were originally in, and that was passage to be engrossed. Should we not recede, then your motion cannot be to recede and

concur. It has got to be either to insist or adhere.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 21 having voted in the negative, the motion does prevail.

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

Mr. SIMPSON: I move we reconsider our action whereby this Bill was indefinitely postponed.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves the House reconsider its action whereby the Bill was indefinitely postponed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: If we don't reconsider, what is the next motion?

The SPEAKER: If we fail to reconsider indefinite postponement, then that would stand firm, that we had indefinitely postponed. There would be no other motion in order in this body.

Mr. CARRIER: Mr. Speaker and Members of the House: I want to speak briefly today and hope that you vote against reconsideration of the indefinite postponement motion. I feel we took a very decisive decision the other day, a good one and a true one wherein it concerned the people of the state in their protection.

This bill was discussed many times before. I could speak very lengthy against it, but all I would do is bring back just what I said in the past and many of the other things that I didn't notice before but which I have done now.

I suggest to all of you who have voted for indefinite postponement that you vote against the reconsideration motion at this time.

The 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 have a great deal of respect for the decision of the Speaker.

This morning, with mixed emotions, I would ask you to support the pending motion. Most of us are disciplined from the cradle to the grave. In my estimation, and I am sure most of you would agree, this discipline comes to us from many areas — discipline in this House, discipline in the courts, discipline by the people who implement the laws that we pass and enforce them.

There is an old slogan, of course, that crime does not pay. Today we possibly could change that slogan. I think perhaps there are two expressions I would like to make in two different areas. One would be that if one is in commission of a crime, especially on the second offense, they should realize that the punishment will be severe. However, once those that are incarcerated by these commissions, I think it is up to us to see that they are rehabilitated. The provisions in the bill that we are talking about provide not that much more than now is being done. I propose to you that if you are concerned about good-time, it is up to the courts to impose sentences. In fact, the time will be less in the overall picture.

I am given to understand that my plight will be listened to as far as introducing an order to mandate sentence for breaking, entering and larceny. I have been some six years with great concern in this particular area. I know many of you feel the same, and I hope we can do something about it this session. I hope we allow this bill to pass and go along its way.

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

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to my very good friend from China, Mr. Farrington. I would like to discuss a few of the remarks that he made relative to discipline from the cradle to the grave. I think perhaps that the distinguished gentleman from China is recalling his youth, and I recall my youth, and in those days there was discipline from the cradle until we launched out into the world on our own. And I would like to emphasize to you that in my particular case there was discipline.

I lived on a farm in the country, and we had horses. Some of you perhaps can recall that there was an instrument of persuasion that was used upon the animal called a horse whip. That instrument was not confined solely for the use of the horse. I know from past experience myself, and I think the gentleman from China may have witnessed like experiences.

Most of us can recall the day that Doctor Spock came into his being. I had a young child who was just beginning to grow up, and I proceeded to use the same type of discipline that was used upon me, only in a little more gentle manner, I think perhaps we should say, but nevertheless, we did not comply with the teachings of Doctor Spock. We used our own method, and I can stand here and proudly say that I think that we did much better than we would have done if we had used Doctor Spock's method.

I have learned just recently that the good Doctor has now reversed his position, and he said that he was all wrong. How long and how many times are we going to swing back and forth as a pendulum? That is what we have been doing, and that is what we are doing. I think that it is time that we stopped vacillating, swing back and forth, I think that it is time that we took a stand. I believe that this stand certainly is not the kind of legislation which this bill proposes.

I agree with everything that the good gentleman from Westbrook, my friend Mr. Carrier, has said. We are - today's society, we are allowing and permitting altogether too much permissiveness. I believe that we have ample and sufficient time off. Any person who is incarcerated has good-time, and I see no reason or occasion for us to enact this piece of legislation. Let us go along with Doctor Spock who has finally seen the light, and let's not pass this type of legislation, but let's try to encourage a little bit more discipline. Perhaps we will look a little bit better in the eyes of our constituents back home who are terribly and frightfully interested and concerned about the situation today.

I hope that you do not vote to reconsider.

The SPEAKER: The Chair recognizes

the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from China, Mr. Farrington, talked about discipline, but he indicated his support for this bill, which I consider to be quite permissive. The people of this state are fed up by the decisions of some of our judges.

If we reconsider and pass this bill, we will be saying to those judges who do give appropriate sentences that their efforts are in vain, because we will be letting the defendants out of jail at a rate of from 10 to 12 days off per month for good behavior.

I hope you support the motion to keep the bill dead.

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

Mr. FARRINGTON: Mr. Speaker, Ladies and Gentlemen of the House: I feel it my duty to defend my remarks to the good gentleman from Camden, my friend Mr. Hoffses. I hope I made the emphasis enough on discipline, and I know that most of you in the House know how I feel about more penalties, but I can say, after these people are incarcerated, I think we should do all we can to rehabilitate them.

I have spoken here before on measures that I have had before this body for several sessions. I am for mandatory sentencing. I had an amendment to go on this measure for mandatory sentences for those in commission of breaking, entering and larceny. I don't only feel very strongly about keeping these people out of society, if they continue to do these sort of things. The people in the State of Maine are concerned. We have already had a petition presented to us from one small county, 4,000 signatures. I have several thousand signatures in my brief case demanding that we do something about breaking, entering and larceny. I said before, I think it is up to this House to take measures to do something about breaking, entering and larceny.

I don't want anyone to get the idea that I am hard-shelled or that I am soft-shelled about this thing. I simply said that discipline in one area is as important as it is in another. I think the

fact has been proven in other states that stiff penalties are a deterrent, and even the voice of the House the other day, with a small margin, a very small margin on an order we had before us, the order lost by several votes, I believe, for capital punishment. I think this gives us an indication of what we want to do. I also think we ought to do all we can for them after we have them in prison.

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

Mr. DESHAIES: Mr. Speaker, Ladies and Gentlemen of the House: We heard this bill last week. It was debated very thoroughly and we rejected it. I certainly don't want to prolong this debate any longer, but in my opinion, prison reform should be enacted only after the courts adopt a less lenient attitude and more effort is directed toward crime prevention and lowering the crime rate and not the other way around.

The premise that more time off will automatically change a felon into a law abiding citizen overnight is a little hard to swallow. I don't think our Maine citizens are ready to accept either. Burglary, breaking and entering in the cities as well as the rural areas has reached near epidemic proportions, and I am certainly not convinced that giving felons rights or letting them out early will cure that problem.

I hope this House will not reconsider its action and we can go on to adhere.

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

Mr. TRUMBULL: Mr. Speaker, I have a question of parliamentary procedure. On roll call 500, we had a motion to reconsider indefinite postponement which failed. Can this bill again be reconsidered today?

The SPEAKER: The Chair would state that this matter has been over to the other body and they have sent it back in non-concurrence, so the Chair would answer in the affirmative.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning that you will go against

reconsideration. It has been stated here that some people have been disciplined. Maybe they have, but I am wondering we have murders. It said, let's give them a second chance, but the man or woman who has been murdered has no second chance. I think they are the ones who should have the second chance.

If you people read in your papers, and I think maybe they did get part of it right, up in Belgrade a gentleman there by the name of Loring Kelley, the town clerk up there, he lives alone. He is nearly 80 years of age. He never locks a door; he likes company; he gives to everyone. He was sitting one night at his desk working. He heard something in the kitchen, which is dark. He went out to find out what it was. He had a gun thrust in his ribs, another put at his forehead and was told they were going to blow his brains out. They had on masks and they took the gun stock, hit the side of his face, broke his chin. The side of his face was a gory mess all over the floor. I was there the next morning; I saw it. They put him in a chair which has three wheels on it. They tied him into it, they backed him up to a banister, tied his hands behind him, tied him down over the banister rail so he could not get away. This was cold weather. If this man could not get out to tend his fire before morning he could have frozen to death. You think these men ought to have another chance?

Finally the old gentleman did get strength enough to raise up on his toes. He raised the chair with him and lifted off over. Then he tried to get out to the kitchen where he had been working. He couldn't get over the threshold. So he did go through another room and he got out. Between his two feet he managed to get hold of a pair of pliers. He tossed those pliers up enough so that he got them in his lap. He did get free. He called the police. They brought him into the hospital. That man's face cannot be repaired. This was early the last part of the winter.

These men, if you read in yesterday's paper, one of them was put on probation. The other one, I believe, does have a record, so he has gone down for a short time, two and a half to five years for this thing. You think this man ought to have some rehabilitation?

I can name you a man who has pages of convictions, and right now, after that man is convicted, sometimes he is home within six or seven days again. Gentlemen, we have got to have something to protect the public. I hope this morning you go along and vote with Mr. Carrier.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I have consistently talked against this bill. I don't feel that I have too much more to offer this morning. I may be considered possibly an old fogey or ultra conservative, but the things that have happened in my neighborhood, in my county, urges me to vote against the motion on the floor at the present time to reconsider this bill.

I hope that we stand firm and take care of it this morning.

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

Mr. DAM: Mr. Speaker and Ladies and Gentlemen of the House: The other time when this was before us I spoke quite lengthy on it, and I can assure you I don't intend to this morning.

But I do hope we stand the same way as we did the last time; that we can indefinitely postpone this bill. Because when I, after I had made my talk the other day, the next day one of the local reporters for the Bangor News in the Skowhegan bureau, he reported in what he calls Column One. He said he couldn't understand the position I had taken on this bill when I had always been for equitable rentals and equitable housing for poor people in the State and always for the small person in the State. Well, as I told him, I thought he was entirely wrong for associating the two ideas. And he didn't agree with me. But that's all right.

What I want to bring out here is that after the people that do subscribe to the Bangor News in my area had read the column I did receive quite a few calls on this from both those who do vote for me and from those that I know have never voted for me in their lives. And they said to me; we hope you don't change your position. And we are glad to have

someone down there that can stand up and echo the feelings of the people in our town. And, of course, these are the people from up in my town and one of the small surrounding towns which I do not represent. But I think the people are fed up with this. I don't believe to rehabilitate these people we have to let them out sixteen days a month or take sixteen days a month off their sentence. I think this rehabilitation can be done through training right in the institution. And I don't think the people of the State of Maine are ready for this kind of bill yet.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hope this House does bring this bill back so we can take some action on it.

This bill isn't going to tear the bars out of the windows or take the locks off the doors or prohibit the judges from passing sentences. This bill was presented as a very humane bill in my opinion that presents some ideas that can do some constructive good will so far as some of these people that are inmates in these institutions.

We are not talking about completely murderers or habitual bank robbers, whatever the case may be. There are a lot of young people in these various institutions that can stand some help. And if this program, an educational program, an incentive program to comply with the rules they are existing under in there has something of value to put them back out into the community, I am for it.

The SPEAKER: The Chair recognizes the gentlelady from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I couldn't help thinking the other day when I was over to the Education Building with a blind girl from my town. She has been through the University of Farmington. They told her there that she was very much needed as a counsellor upon her graduation, because of working with rehabilitation.

We have been working for about six months trying to find some money so that she could stay there at the University and be used. I have been all

over. And the good gentleman from Skowhegan has been in on the act. We have been trying to secure some money for her to have this position, but there is none available.

And I think perhaps six months ago if I had just told her, "Well, go rob a bank; go to the State Prison. And when you come out you will have a job; you will be rehabilitated; and you will be fine." Maybe we should be doing this.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I won't prolong this. But I would like to make a few comments. One is with respect to discipline. The good gentleman from Camden, Mr. Hoffes, made reference to his time and discipline. And I think the other day I made reference to mine. And it was similar.

But I also know that during that same time I was being disciplined, I, too, committed some wrongs that I — I don't know, really, why. I recall five of us boys when I was twelve or thirteen years old went into a home and broke every window in the house. And to this day I can't tell you why. I was caught. And, fortunately, was let off because it was felt that we should some way be made to pay for it, and at the same time not be put in the Boys Training Center at that time.

But I am also concerned that in today's world, when you stop to think about the batters that many small children get. I was disciplined with a good slap on the derriere. And I learned from it. Even in that instance I referred to where I broke windows. But a lot of kids today are being battered. Those kids aren't disciplined. Those kids are being injured; mentally, physically, to the point where they take a very strong stand against society because they don't know anything else but a strong stand against society for survival. And, unfortunately, those same individuals quite often turn into our criminals of today.

I am only asking, in terms of this bill, that we try to take every effort, make every effort, while these individuals are in prison to see that when they come out they don't go back to the same form of

living that they had before. I think that is only fair. Not any more for them than for us. We are the ones that ultimately suffer by virtue of our own vengeance upon individuals whom we dislike. And I agree a hundred per cent. I dislike them just as much as the next guy.

I want you to understand, also, that those segregation cells at the Maine State Prison are in use today. They will be in use tomorrow. And if we pass this bill they will be in use a year from now. Because there are those individuals who, unfortunately, will never conform. There is nothing we can do for them.

The good Warden at the Maine State Prison recognizes that clearly. And he would be the first person in the world to tell you that those cells must remain intact. Those cells are bare cells. There is nothing in them. And, again, we will have them even if we pass this bill. Unfortunately, there are those, as I said the other day, that are only out for the purpose of going back. And it is not because of the country club atmosphere they want to go back. They are there to respond to society's demands as they should, their responsibilities and everything else.

So, again, I would only hope that you would take these things into consideration and support the motion.

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

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: I think last week I suggested we should not prolong a bad bill to put on a good amendment. I still go along with that line of thinking.

The gentleman from South Portland mentioned segregation cells at the Maine State prison. I think you will find a decision of the Supreme Court, a prisoner in the State Prison can not be segregated from the general population for a period of over forty-eight hours. I think he was referring to the solitary confinement cells which have very little in them. I think if he checks the record he will find that these cells go unused for months at a time. They are used primarily for a person who might be psychotic and neurotic and starts tearing the place up; he's put in there to cool down. They are controlled by the Supreme Court decision on how long they can keep these prisoners in there.

I think possibly if he had got into this study a little bit further he would have found we should have moved some of these prisoners out of there so that we could rehabilitate the men who wanted to be rehabilitated.

If you have a set-up like we have in our prison at the present time where the bulls run the prison set-up, and run their kangaroo court within the prison to prevent these young men who want to be rehabilitated from receiving that education, you are still going to have problems.

The gentlelady from Madison, Mrs. Berry, has told you about the young lady up in her district that can not get rehabilitation monies or educational monies for her problem. But yet, I gave you statistics last week on the number that we do have in our university system at the present time. I think I was referring to, roughly six individuals who are in our university system, and two who were at a private college. These people are all being taken care of by vocational rehabilitation money. And here, again, you have heard testimony on this floor there is no taxpayers money going into this program. Yet, vocational rehabilitation money is aiding — federal — twenty states. So there must be some State money going to this program.

I would also suggest the list of inmates in the Maine State Prison presently attending public institutions here in the State, colleges, etc., the number I have is eight. And I think that is a small percentage. We have far more than eight in our penal institutions who are out going to college. It bothers me considerably when these people are going to college that are on a work-release program. It seems, again, as we are sort of stretching the thing a little bit when we call it work-release. I am quite sure, if your children are in the university system, and they were pushed around and pushed out of their slot in the university system due to the fact that the Department wanted to rehabilitate some people, that you would change your mind also. But the record does show that many young Maine people who graduated from our high schools last year could not go into the university this year because there was no place for them.



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

Mrs. WHITE: Mr. Speaker and Members of the House: I will not prolong this, but I will just take a minute to express my support for the motion before us, to reiterate my support for this bill.

I hope that we will be able to keep the bill alive, at least. And perhaps if we can't get the whole thing through we can salvage some of the parts which I think are certainly the right steps to take.

And I am going to refer to the article to which that gentleman from Skowhegan, referred; read just a few words from it.

"It is usually the people far away from the problem who have notions that there is a dividing line between criminals and law-abiding citizens. The rejected bill would have ignored this artificial line by providing the services the rest of us get, like the school district within the prison system. It would have provided an attitude that the problem is clinical, which means curable, rather than moral or unchangeable stain, by setting up a better system of waiting out the reform than those to be reformed."

I really do feel we should do something along this line. I hope you will support the motion.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I won't take a back seat to anybody for having a big heart and sympathy for all people in trouble. I contend that my heart is as big as the gentleman's from South Portland, Mr. Perkins, or the lady from Piscataquis County, Mrs. White. I have all kinds of sympathy for people who are confined for acts against the laws of the State of Maine.

I cannot buy the idea that prisoners, people who are being confined presently in our institutions, are in any sense being abused or that they are not exercising every effort reasonable to rehabilitate them.

I oppose reconsidering this bill on the grounds that we have gone as far or even further than I believe we should in that direction. I certainly agree with Mr. Perkins that there are people who

probably have to be confined and stay there for the rest of their lives.

At the federal level they are in the process of passing legislation that will take care of certain types of criminals, those who hijack or kidnap, and I don't think there is any solution to that, and I would go along any day with a capital punishment law if I had a chance to vote for it.

But as far as our good people that are being confined that made one minor mistake, I certainly cannot — or even two or three minor mistakes, I cannot buy the idea that we are not now doing a good job. I think this bill advances far beyond, far beyond what we should do in giving privileges to these people.

I guess I said when I spoke before, I cannot buy this idea of letting people that are confined in our institutions for correcting the actions that they have done being granted a certain number of days a month that they can go home and behave themselves or do otherwise. I certainly do not feel that they should be given Saturday night off or Sunday. I think if the gentleman, Mr. Perkins, wants to do anything more within the confines of the State Prison or other institutions than we are now doing, I have no objection. This idea of letting them out I think is all for the birds, and I hope we do not reconsider the action that we took the other day.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: We are going to have some hearings on rural crime shortly after this legislature gets out. I have been doing some checking on inmates and how they got there. One person I checked over the last 20 years had been arrested 45 times, been in county jails. I think he had been sent to Thomaston 4 times. He got out before his minimum was wound up every time. I can't see that we are doing the people of the State of Maine any good by letting these people out any sooner. This isn't a unique case; there are a number of them around here.

I talked to my sheriff in Kennebec County about the crime we have got here. They know pretty well who is doing most of it. They are the same people. They have all been in Thomaston. They

get in there and they laugh their way through and they are out before the fellows that put them in there can catch the fellow who took their place on the gangs. I don't think we are doing any good by reconsidering our indefinite postponement.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't want to reconsider this, and I hope you show good judgment and don't reconsider.

I come from Penobscot County, and we are not getting a very big percentage of them incarcerated. A good percentage of them are let out by some technicality in the law now, and I don't want to make more technicalities so those few that we do get in can get out. And I can assure you, from where I come, we don't want any more leniency. We want a little tougher regulations. You could see by my order the other day how I am trying to reflect the wishes of my people.

I do want a roll call on this so we can see who the permissive people in this House are. So I do ask for a roll call.

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

Mr. DESHAIES: Mr. Speaker, a parliamentary inquiry. I believe the pending motion before us now is the motion to reconsider our former action. Is that correct? Our former action, Mr. Speaker, was to indefinitely postpone. The bill comes back from the Senate in non-concurrence. Wouldn't the proper motion be to insist or to adhere.

The SPEAKER: The Chair would answer the gentleman that this morning we did vote to recede, which motion takes priority over the motion to insist or adhere.

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

Mr. DESHAIES: Mr. Speaker, in order to clarify matters here so that everyone fully understands what they are voting for, those people who wish to vote against this bill would vote against reconsideration. Thank you.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and

voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that the House reconsider its action whereby this Bill and all accompanying papers was indefinitely postponed. All in favor of reconsideration will vote yes; those opposed will vote no.

### ROLL CALL

YEA — Baker, Birt, Bustin, Chonko, Connolly, Cooney, Cottrell, Curtis, T. S., Jr.; Dow, Dunleavy, Farnham, Farrington, Gahagan, Garsoe, Goodwin, K.; Greenlaw, Hancock, Hobbins, Jackson, Jalbert, Kelleher, Kilroy, LaCharite, LaPointe, Lewis, J.; Martin, McKernan, McTeague, Mills, Morton, Mulkern, Murray, Najarian, Norris, Perkins, Simpson, L. E.; Talbot, Tanguay, Tierney, Wheeler, White, Whitzell.

NAY — Ault, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Carter, Chick, Churchill, Clark, Cote, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Farley, Faucher, Ferris, Finemore, Fraser, Gauthier, Genest, Good, Goodwin, H.; Hamblen, Herrick, Hoffses, Hunter, Immonen, Kauffman, Kelley, Kelley, R. P.; Keyte, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McMahon, Merrill, Morin, V.; Murchison, Palmer, Parks, Peterson, Pratt, Rollins, Ross, Shaw, Shute, Silverman, Snowe, Soulas, Sproul, Stillings, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Willard, Wood, M. E.; The Speaker.

ABSENT — Albert, Briggs, Brown, Conley, Evans, Fecteau, Flynn, Huber, Jacques, Knight, McNally, Morin, L.; O'Brien, Pontbriand, Ricker, Rolde, Santoro, Sheltra, Smith, D. M.; Smith, S.; Strout, Susi, Webber.

Yes, 42; No, 85; Absent, 23.

The SPEAKER: Forty-two having voted in the affirmative and eighty-five

in the negative, with twenty-three being absent, the motion did not prevail.

Thereupon, the House voted to insist.

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

Joint Order (H. P. 2025) Relative to Legislative Council Study of Utilizing the Women's Correctional Center at Skowhegan for a Veterans Home

Tabled — March 14, by Mr. Birt of East Millinocket

Pending — Further consideration (Read and passed in the House on March 8. Indefinitely postponed in the Senate)

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think probably what I would like to see done with this is have it tabled unassigned until we can work out some questions between the two bodies.

At the present time, there is an order on the unassigned table in the body at the other end of the corridor allowing a study of what might be done with the Women's Correctional Center. It doesn't confine it to a particular situation such as a veterans home. If that order were passed here and we were to pass it, it would immediately be sent on to the Legislative Council. As a general rule, and I believe they are following that practice, all orders are being tabled in the Senate.

There are quite a few members of this body who are interested in the concept of a veterans home, and in order to make sure that this concept is still before us or that the study on the Women's Correctional Center is not done away with, that we do have that done in the interim, I think it is necessary for the time being, at least, to keep both bills alive. I would hope that this could be tabled unassigned.

Thereupon, on motion of Mr. Simpson of Standish, tabled unassigned pending further consideration.

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

"Resolve Permitting the County of

Kennebec to Expend Money for Public Ambulance Service" (H.P. 2037) (L.D. 2572) pending passage to be engrossed.

On motion of Mr. Whitzell of Gardiner, tabled pending passage to be engrossed and specially assigned for Tuesday, March 19.

#### (Off Record Remarks)

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: A short while back I mentioned the recycling of paper and newsprint in general and said that I hoped the State of Maine here in this complex was doing something in this area. Well, I never did receive any answer from any agency as to whether they were or were not doing this. So this morning, out of the Bangor paper of Thursday, March 14, I have had distributed on the desks of each one of you an article that pertains to recycling. This was at a talk that was given at the firemen's auxiliary meeting in the Town of Canaan by Brian Williams, an employee of Keyes Fibre Company in Fairfield and Waterville.

He mentions here that any non-profit organization can collect this paper and they would buy it, and the Keyes Fibre Company would buy this paper. I said the other day, of course, the other day they were paying \$40 a ton, but now it has gone up to \$45 a ton for newsprint, and they will pay even more than that for corrugated cardboard.

If the State of Maine itself is not recycling the paper, I would hope that maybe some organization in Augusta that needs funds for their operation, some civic organization or fraternal organization, could get together with the cooperation of the state so that they could come in on a regular basis and collect this paper so it could be recycled.

In the article the other day, it was mentioned from Keyes Fibre Company that if they do not pick up more paper to be recycled, this will cause a serious impact on the operation of that plant. Because that plant does use this in the manufacture of molded paper products. So, not only would this give a chance to any civic or fraternal organization in the

State to raise needed money, but it would also help to keep an industry going, to keep employees working in the State of Maine.

So I would hope that each one of you would give serious, real serious thought to this, and as you go home over the week-end, try to find some organization in your town that would be willing to take this on as an activity.

And I also mention, mentioned in this article; that when a sufficient amount of paper has been collected at a central location that the industry will pick it up. Now, there are other industries other than Keyes Fibre that is buying newsprint and recycle paper at this

time. And they go even further than the newspaper and corrugated cardboard category. Because they mention egg boxes, milk containers, magazines, and things of this nature. So this is not only a good chance for the civic organization to raise money, but it is also a good chance to keep an industry in the State of Maine just supplied with material that they need and keep people working.

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(Off Record Remarks.)

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On Motion of Mr. Simpson of Standish,  
Adjourned until Monday, March 18, at  
one o'clock in the afternoon.