

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, June 25, 1975

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

Prayer by Rev. John P. Miller of Bangor.

The journal of yesterday was read and approved.

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to the Dredging, Filling or Otherwise Altering Coastal Wetlands" (H. P. 590) (L. D. 730) ask leave to report: that the House recede from passage to be engrossed, indefinitely postponed House Amendment "B" (H-554) to Committee Amendment "A" (H-354), adopt Conference Committee Amendment "A" (H-837) to Committee Amendment "A" and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto; that the Senate recede from indefinite postponement, indefinitely postpone Senate Amendment "B" (S-308) to Committee Amendment "A" (H-354), adopt Conference Committee Amendment "A" (H-837) to Committee Amendment "A" (H-354) and pass the bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto in concurrence.

(Signed)

Messrs. WILFONG of Stow
DOAK of Rangeley
MORTON of Farmington

— of the House.

Messrs. TROTZKY of Penobscot
HUBER of Cumberland

— of the Senate.

Report was read and accepted.

The House voted to recede from passage to be engrossed; receded from the adoption of House Amendment "B" to Committee Amendment "A" and the Amendment was indefinitely postponed.

Conference Committee "A" to Committee Amendment "A" (H-837) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto was adopted.

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

**Papers from the Senate
Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Increasing Motor Vehicle Registration Fees" (H. P. 1692) (L. D. 1930) which was indefinitely postponed in the House on June 23.

Came from the Senate read and passed to be Engrossed in non-concurrence.

In the House: On motion of Mr. Fraser of Mexico, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Concerning the Office of Energy Resources" (S. P. 549) (L. D. 1913) (Emergency) which was enacted in the House on June 17 (having been passed to be engrossed as amended by Senate Amendments "A" (S-285) and "B" (S-301) in the House on June 13).

Came from the Senate (Recalled from the Governor pursuant to Joint Order (S. P. 603)) with Enactment Reconsidered,

Engrossment reconsidered, and passed to be Engrossed as amended by Senate Amendments "A" (S-285), "B" (S-301), and "D" (S-363) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332) which was indefinitely postponed in the House on June 18.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-743) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: Here we are back again. There is not much more to be said regarding this bill that hasn't already been said. It was passed in the other body and amended. I think the amendment will please many of those who tried to put amendments on before. The highway access roads are on there for \$50,000, the highway special state aid construction, the highway town improvement fund, the highway traffic services, all that were in the previous bill that were taken out, highway winter maintenance, highway bridge improvement and the one cent increase will about 95 percent take care of this. I hope that we will enact it today.

Mr. Davies of Orono requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would just take issue this morning, to make the record clear. What the gentleman from Mexico, Mr. Fraser, was telling you is that the amendment he was talking about is not an amendment to the gas tax. The amendment that he is mentioning this morning is the amendment to the highway allocation fund. That amendment to the highway allocation fund amounts to \$5,800,000. That does, however, take care of the programs that we have all been concerned about and puts this in a position, instead of \$144 million, it means that our highway appropriation will be \$150 million.

I think it is imperative this morning that we pass this gas tax, send it on its way and this will put us in a position that will take care of the necessary funding that we will need for the next biennium.

If we want to go this route, I sincerely believe today that we will be getting revenue from not only State of Maine people, but people who will be coming here as tourists that will help us on the basis of 30 to 40 percent.

The other route that we have before us is going to mean only increases to State of Maine people. At this point in time, I urge the members of this House to support the one cent increase in the gas tax.

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

Mr. LAFFIN: Mr. Speaker, Ladies and

Gentlemen of the House: I oppose an increase on this gasoline tax. You talk about when the summer people are here, fine and good, but the summer people will long be gone when the days are short in January and February and December and November. They don't come to Maine in those months, and it is the people that are going to have to pay for this. You are putting a tax on something that they need for their livelihood, for work, it is no longer a pleasure to have a car for just enjoyment. We need it for our everyday lives, and I urge the members of this House not to support an increase in the gasoline tax, and I don't care what programs we have to give up for it, for the simple reason that the people are going to pay for it.

Somebody made a good statement here once, I think it was the gentleman from Lewiston, that once you put a tax on this thing, you never take it off. Well remember, we have to live in this state, and these tourists up here come and go pretty fast, but we still have to live here with our people in the cold winter months and I urge you to defeat this.

The SPEAKER: A roll call has been ordered. The pending question is to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Birt, Blodgett, Bowie, Burns, Byers, Carroll, Cox, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Farnham, Fenlason, Finemore, Flanagan, Fraser, Gould, Greenlaw, Hall, Hennessey, Hewes, Hunter, Hutchings, Immonen, Kauffman, Kelley, LaPointe, Laverty, LeBlanc, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Maxwell, McBreairey, McKernan, Mills, Morton, Najarian, Palmer, Pearson, Perkins, T.; Peterson, P.; Powell, Quinn, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Strout, Stubbs, Susi, Theriault, Torrey, Twitchell, Wagner, Walker, Webber, Winship, The Speaker

NAY — Berry, P. P.; Berube, Boudreau, Bustin, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Conners, Cote, Curran, P.; Davies, Durgin, Dyer, Farley, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gray, Henderson, Higgins, Hinds, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, Lewis, Littlefield, Mackel, Martin, A.; McMahon, Mitchell, Morin, Mulkern, Nadeau, Norris, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Raymond, Rideout, Snowe, Spencer, Sprowl, Talbot, Tarr, Teague, Tierney, Tozier, Tyndale, Usher, Wilfong.

ABSENT — Call, Connolly, Cooney, Dudley, Faucher, Hobbins, Hughes, Jackson, Kennedy, Leonard, Mahany, Martin, R.; Miskavage, Peakes, Shute, Truman.

Yes, 74; No, 61; Absent, 16.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-one in the negative, with sixteen being absent, the motion does prevail.

Non-Concurrent Matter

Committee of Conference Report on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24) on which the House accepted the Committee of Conference Report and passed the Bill to be engrossed as

amended by Committee Amendment "B" (H-584) in the House on June 24.

Came from the Senate with the Committee of Conference Report Rejected and Asked for a Second Committee of Conference.

In the House:

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday morning, this body voted by an overwhelming margin to accept the unanimous report of the Committee of Conference on abolishment of the Executive Council. At the time, there was a sense that this was an historic moment and there were congratulatory statements to the effect that we were now finally ridding ourselves of this doubtful institution in our body politic.

The reason for the optimism was the fact that the Committee of Conference was unanimous, it was signed by three members of the other body as well as of this body. However, we did not take into account the possibility that the action of the three members of the other body, on behalf of a workable compromise, would be turned down by their colleagues, by a very narrow vote, I might add, of 16 to 14. Thereupon, the other body moved to insist and ask for a second Committee of Conference, and I am told that this is really the only realistic action open to us. So with some disappointment and a hope that the second Committee of Conference may come up with another solution to abolishment of the Council, I now move that we go along and join in a second Committee of Conference.

Thereupon, the House voted to further insist and join in a second Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Compensation and Benefits under the State Classified" (H. P. 406) (L. D. 495) which was passed to be enacted in the House on April 29 (having been passed to be engrossed as amended by Committee Amendment "A" (H-153) on April 14).

Came from the Senate with Engrossment reconsidered and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-153) as amended by Senate Amendment "A" (S-366) thereto in non-concurrence.

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

Orders

Mrs. Berube of Lewiston presented the following Joint Order and moved its passage: (H. P. 1773)

WHEREAS, the State Legislature believes that there is a need to evaluate the several programs of the Maine Housing Authority in order to assure that maximum effectiveness in program administration is obtained in meeting housing needs for Maine people including the elderly and those of low income; and

WHEREAS, legislation dealing directly with the duties and powers of the Maine Housing Authority, such as L. D. 660, L. D. 723 and L. D. 1002, has been enacted or is presently being considered; and

WHEREAS, there has been question of the effect of such legislation on the present and future housing needs of the people of the State of Maine as well as on the credit rating of the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that

the Legislative Council through the Joint Standing Committee on Performance Audit conduct the necessary review and consideration of the Maine Housing Authority to determine the need or desirability for altering, adding to or deleting from existing statutory provisions the Maine Housing Authority's powers to meet housing needs in this State; and be it further

ORDERED, that the Legislative Council report the result of its findings together with any suggested recommendations and any necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agency as notice of this directive.

The Order was read and passed and sent up for concurrence.

Mr. LaPointe of Portland presented the following Joint Order and moved its passage: (H. P. 1774)

WHEREAS, during debate on L. D. 773, there was widespread agreement that there exists an enormous and immediate need for direct health care services in rural areas; and

WHEREAS, this legislation, which would have provided one means of delivering health care services in rural areas, was defeated, and no alternative was passed; and

WHEREAS, it is the view of many persons that state appropriations are essential in order to develop and organize an effective delivery system of direct health care throughout the State; and

WHEREAS, while there are various existing models and plans of health care delivery systems in the State, it is necessary to coordinate such models and plans; and

WHEREAS, failure to provide adequate health care services to persons residing in rural areas adversely affects the health and welfare of these persons; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Health and Institutional Services of the 107th Legislature, to analyze existing resources for and models and plans of health care delivery, in order to determine if there is a need for generating additional resources, models, or plans to recommend the areas, if any, in which state appropriations are needed, and if appropriations are recommended to specify how they can be used most effectively; and be it further

ORDERED, that in conducting its study the committee work in cooperation with agencies and organizations in the health care field, including, but not limited, to the Bureau of Health and the Comprehensive Health Planning Agency in the Department of Health and Welfare, Medical Care Development, Inc., the Maine Medical Association, the Maine Hospital Association and the Maine Osteopathic Association; and be it further

ORDERED, that the Council report the results of its findings together with any recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said

agencies and organizations as notice of this directive.

The Order was read and passed and sent up for concurrence.

Passed to Be Enacted

An Act to Increase the Fees of Certain Licenses Issued by the Department of Inland Fisheries and Game (H. P. 464) (L. D. 566) (C. "B" H-784)

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

Mr. Laffin of Westbrook requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Boudreau, Burns, Bustin, Byers, Carroll, Chonko, Churchill, Clark, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Dow, Drigotas, Durgin, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hinds, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelley, Lavery, LeBlanc, Lewin, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel MacLeod, Martin, A.; McBreairty, McKernan, Mills, Morin, Morton, Mulkern, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Peterson, P.; Post, Powell, Rolde, Silverman, Smith, Snow, Snowe, Spencer, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Walker, Wilfong.

NAY — Berry, G. W.; Berry, P. P.; Berube, Blodgett, Bowie, Carey, Carpenter, Carter, Connors, Cote, Dam, DeVane, Dyer, Garsoe, Gauthier, Gray, Henderson, Hunter, Jalbert, Kelleher, Laffin, LaPointe, Lewis, Littlefield, Maxwell, McMahon, Mitchell, Nadeau, Pearson, Perkins, T.; Peterson, T.; Quinn, Raymond, Rideout, Rollins, Saunders, Sprowl, Strout, Stubbs, Tyndale, Wagner, Webber, Winship.

ABSENT — Albert, Birt, Call, Connolly, Dudley, Faucher, Hobbins, Hughes, Kennedy, Leonard, Mahany, Martin, R.; Miskavage, Peakes, Pierce, Shute, Truman.

Yes, 90; No, 43; Absent, 17.

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

Signed by the Speaker and sent to the Senate.

Enactor

Later Today Assigned

An Act Relating to Motor Vehicle Fees (H. P. 730) (L. D. 907) (C. "A" H-702)

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

(On motion of Mr. Rolde of York, tabled pending passage to be enacted and later today assigned.)

An Act to Establish Rules for Legislative

Investigating Committees (H. P. 898) (L. D. 1085) (H. "A" H-789)

An Act to Guarantee to all State Employees the Right to Participate in the Nonpartisan Affairs of Municipalities (H. P. 1041) (L. D. 1331) (Conference Committee "A" S-359)

An Act Relating to Personnel Classification and Functions of the Review and Evaluation and Fraud Investigation Division of the Department of Audit (H. P. 1122) (L. D. 1409) (C. "A" H-235, S. "A" S-354)

An Act Relating to Political Fundraising by State Employees (H. P. 1382) (L. D. 1686) (Conference Committee "A" H-822)

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

An Act to Reform the State Retirement System (H. P. 1725) (L. D. 1939) (H. "D" H-795, S. "A" S-346, Conference Committee "A" H-826)

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

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

Mrs. LEWIS: Mr. Speaker, what I am interested in is including the county commissioners in the Maine State Retirement System. I thought that we had a bill before us earlier this week that had been taken from the Unassigned Table and we had accepted the "Ought not to pass" Report on putting the county commissioners under the retirement system. Then it went to the Senate and that report was accepted too, and then I realized that it is in this particular bill. I am wondering if everybody here realizes that or do they think that the county commissioners do not come under the Maine Retirement?

Every person I have talked to individually was not aware that the county commissioners were in this omnibus bill.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: The county commissioners are now in the system, any of them that want to belong to the system can join the system. It is the law, they can belong to the system, but I think that the question that Mrs. Lewis from Auburn is inquiring about is the County Commissioners Association, and that is what the question is about.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The bill that had to do with the County Commissioners Association came out, as Mrs. Lewis spoke about, it came out "ought not to pass," that did not have anything to do with just the commissioners, that took in all those who belong to the County Commissioners Association. But what this other bill does, it takes in just the commissioners, which they have the right to do now, so there is no change from the previous thing, and the "ought not to pass" does not enter into this retirement bill at all.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: If the commissioners can already be in the program, why do we have to put this in the omnibus bill?

The SPEAKER: The gentlewoman from Old Orchard Beach, Mrs. Morin, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, I think I can explain that. The confusion is with employees of the Commissioners Association, not the commissioners themselves. The commissioners are now in the system and can be in the system. The bill in question was the employees of the Commissioners Association, which involved one or two people.

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

Mr. MORTON: Mr. Speaker, in addition the answer to Mrs. Morin's question is, there was a paragraph in the original law which carried all these authorizations to join which was one of those that was revised and had to be included in the new law to include them the second time around.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: We have here sitting before us ready for enactment a bill that affects some 23,000 people. If any of the objections or any of the questions from the people who we are talking about, the employees of the County Commissioners Association even were related to this issue, I think that at this point in time, at the end of the legislature, with a bill that has been worked on, with a Conference Committee Report that was hammered out after long, arduous negotiations, even if there were a significant factor, which it is not, because there can't be any more than five and I understand there may be only one employee we are talking about, we should not stop here and sidetrack this bill, and I move that we pass it to be enacted.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

112 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

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

(Off Record Remarks)

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Mrs. Martin of Brunswick, Recessed until two o'clock in the afternoon.

After Recess

2:00 P.M.

The House was called to order by the Speaker.

The following Communication appearing on Supplement No. 3 was taken up out of order by unanimous consent:

The following Communication: (S. P. 606)

State of Maine
Office of the Governor
Augusta

To the Honorable Members of the House of Representatives and Senate of the
107th Maine Legislature

June 24, 1975

I cannot believe the People of Maine want, need or will accept a tax increase at this time and, therefore, I cannot support legislation that will lead to such an increase.

I don't think it is fair to the People of Maine to mislead them into believing they are being extended additional services without a tax increase when we, as representatives of the people, know that the piper is going to have to be paid in the near future.

For these and other reasons I must veto L. D. 1937, An Act Making Additional Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1976, and June 30, 1977.

It should be known that I tried in every way to work with Legislative Leaders in formulating a supplemental package based on priority of need. I was willing to commit to spending our \$5.4 million balance over the next two years to fund priority programs that the Governor and the Legislature could agree on. I also told Leadership that I would work to find ways in between now and January 1st to fund the other programs.

There is no denying that the elderly, the mental retardation program and many other worthwhile programs could use extra funding and no one is turning his back on these needs. However, I think it is much fairer to these people who need help to delay these programs until they can be properly funded than to hold-out pie-in-the-sky promises to the effect that they are getting something without a tax increase.

Specifically, the Legislature is proposing to fund these additional programs for only one year. The Legislature does not address the problem of continuing these programs a year from now and where the money will be found to fund them. Are we going to give the elderly and others unable to help themselves a crumb now and send them a big bill for it later? This approach is not called a tax increase by the Legislature but the result is the same.

Not only does this approach hold out false hopes, but it also will leave the State with no balance at a time of economic uncertainty, I submit this is fiscal responsibility and I am afraid it will serve to undo the fine track record of fiscal integrity this Legislature established in its approach to the current services budget.

In effect, this Legislature is asking this State to adopt a policy of deficit spending that has led to financial chaos and virtual bankruptcy in states like Massachusetts and municipalities like New York City.

I plead with this Legislature to sustain this veto and, in the final days of this session, work with me to find another vehicle to fund priority programs in a fiscally responsible manner without burdening the people of this state with a tax increase.

Very truly yours,

(S)

JAMES B. LONGLEY
Governor of Maine

Came from the Senate read and ordered placed on file.

The Communication was read and ordered placed on file.

The accompanying Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for other Purposes for the Fiscal Years ending June 30, 1976, and June 30, 1977" (S. P. 584) (L. D. 1937)

In Senate June 25, 1975, this Bill, having

been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?' 27 voted in favor and 6 against, and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

S/HARRY N. STARBRANCH
Secretary of the Senate

Was read and ordered placed on file.

The SPEAKER: The pending question now before the House is, shall this bill become a law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This morning on my way down to the House, I stopped by some friends of mine in North Anson. This couple through their own resources and no resources from this state had sustained the life of their son for 22 years who is affected by cystic fibrosis. We discussed the veto of the Governor and they could not understand how a human being could veto such a bill. They were absolutely livid at the Governor. In my continuation of coming down, I could not help but think of one song title, it was recorded, sung and written by Hank Williams, "Cold, Cold Heart". I hope when this vote is taken there is at least 130 green lights up there and Spike Carey, we need a change in our button. Let's protect important Maine people.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: The measure before us this afternoon has been at this time accelerated to a battle of words between the Governor and members of the Legislature. The misfortune of this is that many of Maine's needy citizens have been the subject of this battle and these people don't need that.

Today I plan to vote to sustain the Governor's veto not because his position is right, or for that matter, fair. My position is one that neither sides with the Governor, or runs contrary to leadership. My position today is mine alone. When the vote is taken, I'll probably be that way. Hopefully as a member of this Body, I am entitled to that position. Human service legislation is never easy on any of us. If I told you today that these programs are not needed and that we cannot afford them, I would be lying to you but within this legislation there are some that don't meet the criteria of desperate social needs but, in fact, would add to the ever growing bureaucracy that in a long term may jeopardize many of the much needed programs. Those of us involved in decision making are faced with a very difficult period of time in political history with freedom fighters, legionnaires, bureaucrats, the elderly, the working man. Society is more involved than it ever has been. The center of that involvement is the money part, some wanting a smaller pie and others wanting a larger one. To those who are voting to increase the size of that pie today, I admire you for your courage. For myself, hopefully you would judge my position in that same light. I assure you the position I support today is not a very easy one coming to me.

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

Mr. CAREY: Mr. Speaker, Members of the House: When I came in this morning, I was asked which way I was going to vote and in all honesty, I said I would vote to sustain the veto. I would say there has been absolutely no pressure whatsoever put on me but two things happened today that I became aware of earlier which have changed my position. First of all, I was assured that in the wrap-up bill the interest on the teacher retirement money was going to be included so that the legislature is keeping good faith with the fact that the funds are being used and the money is to be repaid and, in fact, the money is in the second year of the budget anyway.

I was somewhat concerned that these programs were going to die next Tuesday! rather than the first of July in 1976. The Governor shows some concern and he said that jeepers, creepers, we are going to run out of money and next year there won't be any money for these programs so he was so concerned about it that he was going to cut them off next week so he really has shown his concern to me which is absolutely zero.

Earlier this afternoon I found out about the possibility of a deal having been made with the York County Delegation and that I certainly hope it is not true. At least some members of the York County Delegation were involved pertaining to the Governor's vetoing still another bill for support in this matter and that by itself would have been enough for me to vote to override and that's just the way I'm going to vote.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I, too, have been very, very disturbed by the rumors that have been roaming this hallway this afternoon and this morning to the effect that a deal had been struck. The rumors that are going around is that certain members of the York County Delegation have agreed with the Governor that if he should veto the bill dealing with the Kittery store and they, in turn, would help to sustain the veto that the Governor has given us on this supplemental appropriations bill. I am extremely disturbed about this and I would call on each and every member of the York County Delegation to tell this Body in public, before the press, before the Representatives of all this state, whether or not that is in fact true, and which way they are going, if it is true.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am 56 years old. I am not a wheeler or a dealer. I stand on my faith and my integrity before this Body today, I will have no part of any such deal and I'm from York County and I will ask every York County man to repudiate any such deal. I serve with honor, I serve with good faith and I will not wheel and deal with anybody.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: It's very obvious to this House I'm not from York County and I feel that there has been no deal offered to anyone of these individuals from down there I might leave the thought with the two people that have raised the question to settle and clear the

air for everyone without the people from York County getting up and let them indicate to us where they heard the rumors come from.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: This is the first I heard of this but could I please ask a question of the gentleman from Waterville? Could you please give me the names of these people that have supposedly made deals, one by one please?

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey and the Chair would suggest, however, that the gentleman please be very careful about using any names that would harm the reputation of any member of this Body or the other Body.

Mr. CAREY: Mr. Speaker and Members of the House: I will only say in answer to that question that I have been able to develop after considerable length of time what I would call a very irrefutable source that is extremely close to the Governor's office and if I were to name that particular person, I would lose that source for the length of time that the Governor would take to let that person go so I am unable to give you that person's name but it does not come from this floor. That person came from the floor below and I would find it to be a very extremely useful and very accurate source.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Being a member of the York County Delegation, I resent the remarks that have been made here about any deals. Nobody has made any deal with me. I've never heard it until a few moments ago.

I am going to vote to sustain the Governor's veto and I don't give a darn who knows it but no deal has been made with me and I don't think any deal has been made with any of the York County Delegation and whoever thinks there is, if he doesn't want to come right out and name who made it, that's his business but I think he should.

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

Mr. FARLEY: Mr. Speaker and Members of the House: I don't like to have my integrity impuned in this House, I will be honest with you, I've talked with no one. I think my doubts on this piece of legislation were mentioned to leadership a week ago, the same that was mentioned this morning in the caucus. I went along with this bill the first time around. I didn't like the way it was done but I went along. I mentioned this morning if we are going to vote on legislation, break it up, there are 15 articles in that bill that I can support very strongly, there are two or three of them that I can't. I don't think there's enough money in the SSI program, I think there is too much money in some other programs but we don't need them but that's my own decision. I don't doubt that you have 101 votes here today, it would be very popular to go along with you. There are notes on my desk from every social worker in York County. I have already asked the gentleman from Orono, Mr. Davies, for whom I have a great amount of respect, to name the person who told him that.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker and Members of the House: I think it's unfortunate the word "deal" has been used. I think I am as candid as anybody here, accommodations are made daily between and among the membership and between and among the parties. If anybody has traded off, that's their business. Each and every one of us has one button and each and every one of us is responsible for his own votes. I would hope that nothing further is said about what anybody thought what was appropriate because each of us individually is accountable for that.

The matter before us is the supplemental budget, it's not a party issue, it is not a liberal conservative issue, it is a fundamental issue of whether the collective judgment of 184 people is superior to a singular and administrative judgment. It's as simple as that and each one of us I suggest will address it whether we have confidence in the reasons behind a veto or whether we have confidence in a unanimous 10 member Appropriations Committee, seven members of this House serve on it. They are some of the most able, and hardest working people in this House, they range and I will call them to mind if you haven't looked at them lately, Mr. Smith, who is as able as any of us, Mr. Jalbert who has been here when many of us weren't around, Mr. Carter, whom I am told is a conservative, Mrs. Goodwin, whom I am told is not, Mr. LeBlanc, Mr. MacLeod and Mr. Garsoe. Now, individually, they don't have a great deal in common, what they have in common is integrity and 10 members of that committee produced that budget and I suggest to you it is not a Republican, Democratic or Independent issue. It is a matter of whether collective judgment is superior to a singular administrative judgment and each member will have to address that issue on its merits and any member who feels that this budget is not worthy shouldn't vote for it and should not have to apologize and I don't think should be questioned on it.

The other Body of this legislature, which is regularly characterized as conservative, has produced a 27-6 vote in support of this budget and I respect them for it and, as many of you know, I am not one of their critics. I think they've saved our hide a number of times but they did what's right, they did what's for the people. What we are talking about here is depending on whose figures you take \$4.9 to \$5.6 million out of \$703 million and that just addresses the uncommitted funds. You add in the highway and I understand we are talking a billion dollars, we are talking about .062 percent of the total state budget and I don't think we should be split on any ideology or any party on .062 percent. We've hung together here very well, we have suffered each other out, we've listened to our individual stupidities and we have listened to our individual brilliancies and for the most part we have done very well by the people of this state. I would ask you to keep in mind we are talking now about .062 percent of the budget and that .062 percent is directed to the needs of the least among us, the people least able to compete.

I don't think I have to tell any of you that I am conservative. Everybody that can get out and do for himself should get out and do for himself and I think my votes reflect it, but there are people that can't get out and do and all they ask is that some of their concerns be addressed and some of these are even pilot projects.

The Governor is wrong on this, he is mistaken. In my opinion he wishes to prove a point and it is the wrong place to prove a point. There are members of this House who will support the Governor when you want to take a good hard look at the 99.48 percent of the budget and tried to, but the .062 percent of the budget addressed to the needs of the unfortunate is not the place to prove a point. The Governor, if he's offered any deal at all, offered this deal. I may be mistaken, I will stand corrected by any member here or any member from the second floor. It's my understanding that the Governor said there are items in the supplemental budget which he cannot support and there are items which he could. Well, he has that in common with every one of us. Every one of us can support some things in the supplemental budget, but we have compromised.

The Governor, in effect, is asking for an item veto. The Governor of this state, since 1820, Republican, Democrat and even back when we had people who weren't Republicans or Democrats but were party members, didn't have an item veto and I don't think the Governor is entitled to that item veto.

I would ask each and every one of you to support the overriding of the veto in the interest of the Maine people. This is the people's House. Please serve the interest of the people who need it the most.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It is a custom that I've had a little something to do with choosing my seat mate once in a while. I've had Attorney Generals, floor leaders, sometimes quieters and sometimes not so quiet. I've had all of them very, very good and I've graduated them all and I think that the remarks probably that I would make would be anti-climaxed in comparison to the remarks that were just made by the new Summa Cum Laude graduate on my left, excluding the remarks, of course, that he made about me. I think that probably a great many of the first time members of the legislature, sophomores and some of my good old time friends, would they have been asked how they were to vote on this package about the third of January I would immediately have said that I would not only have voted against the package but probably spoken on this package. There are possibly one or two items in the package that might have been displeasing to some, might even have been displeasing to me. I can assure you that the Appropriations Committee, under the very capable House Chairmanship of my very good young friend from Dover-Foxcroft, Representative Smith, is not a rubber stamp committee and if you think that it is, why, I would invite some of you on some afternoon that you might have a few moments to spare to either sit in or stand outside the door.

As a matter of fact, I think you could make some of the comments that you're hearing and what I know it is, you could probably understand some of them if you listen hard enough from the first floor or from outdoors. This item and this measure proposed today was thoroughly discussed, it was not thrown upon us in a helter-skelter manner. We ourselves, we members of the committee asked the Senate Chairman and asked the House Chairman to go to the leadership for advice and counsel and report back to us and we looked the package over and on more than one occasion, added or deleted

some of the figures that are on the final package that I hope will be overridden on a veto that is before you this afternoon.

I, in no way, want to indicate any vindictiveness. I like to look at situations as they are, I like to point out the facts as clearly as I understand them. It is no secret that I have an extremely fond feeling for this seat and it certainly is no secret that that feeling even grows larger within me for my seat which is cherished on the Appropriations Committee which I have held for some 24 years and I have always tried, in some way, to do the best that I could to address myself to the facts.

You know while I am talking on this subject, the commentaries that we hear so much about politicians, about wheeling and dealing politicians, I mean these comments actually scare me. What is this doing to our younger generation? I mean if I would say to this membership that over the last 30 years, I have not wheeled and dealt, you would justifiably laugh at me. I have sat here with 13 Democrats. I first serve on the Appropriations Committee with 24 Democrats on it. My friends, believe me, in order to bring home a little bacon, schools, bridges, garages, if you don't wheel and deal, you either are going to come out of the heavens and leave the guy's seat empty next to God. I have wheeled and dealt and to gain my ends for my state and for my community, I shall wheel and deal, honestly. Since when does anyone go into a store once in a while, go in to trade an automobile and doesn't wheel and deal? This is common practice. As far as being a politician is concerned, looking it up in the dictionary, I think it's a fair assumption that the dictionary is right and describes properly but I wonder whether or not just what we are doing if we are going to talk about these subjects.

I would like to read you a paragraph here that really intrigues me. This is in the message, the veto message, and I have no axe to grind with the Governor, I mean you can't be that friendly so long with the man as I have been, to attack him. There is no way in God's world that you could ever attack his integrity, there is no way that you could attack his honesty. As far as a family man is concerned, the family of his is like they are glued together in a clan that would make any Irish clan look like tigers but whether he believes it or not, I have told him this in his kitchen and mine, sometimes you can be wrong. However, I think it is much fairer to these people who need help to delay these programs until they can probably be funded to hold up high-in-the-sky promises to the effect that they are giving us something without a tax increase. High-in-the-sky promises, this is the same individual who has a bill before us that is now on the Senate Appropriations Table to buy free medicine, and free drugs, and prescriptions for the elderly living in Maine with a price tag of \$2. Now, if he can do that, then I've learned nothing in wheeling and dealing.

As far as the tax is concerned I'm going to tell you members this, when we first got the Appropriations Act which was his budget, his budget, I had been privileged to look at it the night before. I have a set here and I have a set at home, I made a motion upstairs and the record will show if you go to Legislative Finance Office, I moved passage of this budget. The motion is there, and if that had been passed, it would have come down here, and it would have been put on his desk, there is no way that he could possibly have signed it,

because it absolutely and positively is unbalanced. We balanced the budget.

We gave it to you in balanced form and a fact is not a boast. I did not ask for a garage this time for my school, I did not ask for a bridge, I didn't feel like traveling 28,000 miles more and having some other guy's name put on it. I asked for zero. I spoke for no bill. I have yet to put an amendment on one bill since this session started. I have yet to make a motion to indefinitely postpone one bill. I have yet, believe it or not, I don't believe it myself, I have yet to table a measure but I got together way back last winter with some friends of mine on the Taxation Department and I came up with a program that by hiring two people and training two more, we could come up with \$1.5 million. At the winning moments, and I ask any member of the Appropriation's Committee to say that this is not so, if it isn't so, at the winning moments when we were plunged in over our knees with an unbalanced budget, I came up with that \$1.5 million and I will be very honest with you, the reasons I did then is I couldn't think of anything I could bring home with me, there wasn't anything that was needed at the Vocational School and we haven't started work on the fourth bridge yet, so I said I might as well throw it into the pot. I threw it into the pot for these programs and another gentleman in the other unmentionable Body, the Chairman, in fact, put in \$3 million and the rest of the committee cut here, raised there, raised here and cut there. As an old time member of the committee, as a ranking member of the committee, I commend these people, I commend the Chairman and I commend the freshmen members of this committee and those who are sophomore and junior members for the work that they have done.

This program today that we have before us is a program that is responsible and it is funded in a responsible manner, and anyone who votes to override this veto can do so with head way up high — way up high.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Today, I am going to vote to override the veto. There are vetos that have come from the Governor that I have voted to sustain and there are those that I voted to override. When I have supported a package or a bill, whatever you might want to call it, completely through the process and then it is vetoed, then I vote to override the veto. If I have been against the bill, then I would vote, naturally, to sustain the Governor.

I don't think this is a question of the legislature being with the Governor or against the Governor, I think it is just a question of where we are going to put our priorities. I think it is also a question of telling the people of the State of Maine, and I think the people of the State of Maine have been lost, I think they were lost in the last election, I think they were searching for leadership from both parties and I think that both parties let them down, I think this is why they turned to an unenrolled voter and I don't use the word "Independent", because we have no such party. But I think today, by overriding the veto, that this legislature can say to the people of the State of Maine that this is a bipartisan approach and that we are going to give you the leadership, the 107th Legislature; we are going to give you the leadership and we are going to give you the programs that you people out there want

and you are not going to be subject to the whims of one man.

This is not a one-man ruled country, this is a country that is ruled by the legislatures, by your town meetings, by your national Congress, no one man should have the authority. So I should hope today that we could support this program, these are much needed programs and we should override the veto so that the people will know that at least they are going to have these for the time being and I am sure we will come back and we will find a way to make them permanent.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Watergate has left this nation a bad legacy and also a general distrust of all of us who hold political office. It is, therefore, truly unfortunate that two members of this House have capitalized on that attitude by stating certain innuendos about a deal to discredit the motives of those of us from York County who might support the Governor in this request for fiscal integrity.

Now, if you think back very carefully, you will remember that I spoke and voted against the supplementary budget last week because of what I consider inadequacies in funding and I consider the suggestion of a deal, a red herring, and a cheap shot to bring pressure to bear on the York County legislators. The refusal of the two gentlemen in question to make specific charges when questioned damages their own credibility.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I voted last week against the passage of this bill. I think there were several reasons, but mainly I think that the bill is improperly funded. I have long been bothered by the problems that are faced with the retirement system and I think any playing with the system is completely wrong.

We have, for a couple of sessions, found some deficiencies in the appropriation recommendations from the Executive Office on the retirement program. These have been restored by the Appropriations Committee when funding became available but I think this year to pass a current services budget which funds most of the retirement costs and then come through a couple of weeks later with a supplemental budget which underfunds it and transfers money to the second year of the biennium in the hopes that it might be available is completely wrong. I think that any move in this direction is just starting a precedent that could continue to go on in future legislatures.

We have two states adjoining us, Massachusetts and New York, Connecticut I guess is also in pretty much the same shape that have real serious problems and I think that the State of Maine may be moving in the same direction. If we don't have the money or we don't want to raise it, then I don't think we should turn around and be passing programs.

I have been on both sides of issues with the Governor. I think a week ago, as many of you know, that probably I was as disappointed as any person in the House when he vetoed the medical bill. I wanted that bill badly. I felt it was a good bill for the State of Maine; I frankly, think he

made a mistake in vetoing it. But this bill, I feel is being underfunded, is a complete mistake and I certainly will vote to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: About everything that I could say has been said already, so I am going to be very brief.

I just want to, as your Chairman, go on record once again as saying that I believe these items are of the highest degree of importance to the people of this state. It is not a program that the Appropriations Committee took lightly. It was a program that was drawn with the sharpest and most careful pencil. It was done so with the needs of some of our most helpless and desperate people in mind and it was done also with the careful admonition of the Governor, that he wanted no new taxes until he had a chance to study the efficiency in the state government that he was to govern.

I think the Appropriations Committee, as a whole, has done an excellent job in meeting those two overriding objectives of this legislative session. We are going to give the Governor his chance but at the same time, we are not going to allow people who now need help, who are now receiving it, to be without it if the means are within our grasp on July 1 to continue it and the means are within our grasp.

Truly, the funding is not as I would like to have it were our financial condition otherwise, but I think it is also unfair to say that this is fiscally irresponsible. Fiscal responsibility, I think, is not an absolute, it is a matter of degree, it goes along continuum. Would it be fiscally responsible for us to turn our backs on the people that are being served and who have demonstrated their needs to previous legislators and to previous legislatures? I say no, when the sum involved is less than one percent of the total budget that the Governor recommended. These programs are essential. I think the Governor has been unfair in his criticism—I think that fiscal integrity weighs in favor of overriding this veto and I am sure our good faith does.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I had absolutely no intention of speaking. I do believe that this veto will be overridden today; however, I did vote for it earlier. It is my intention to sustain the veto this day and I guess I have just got to explain myself, unfortunately, because of the allegations that were made. My vote to sustain the veto will be along the same lines, the same reasoning, as used by Mr. Birt, and I think that should be adequate. I had reservations when I supported it and now I feel that I can no longer support it a second time and I assure you, it is for no other reason.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: First, being from York County, I must admit that what has been said concerning York County is news to me, but I am in a bad position. I don't appreciate a package deal such as this. I wish I could vote on every item separately, but because I have a certain item which I am sure most of us have in one way or

another in this package, I feel I have to vote to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Brunswick Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House, I am going to vote to override the veto on the supplementary budget today and I hope you will vote with me. I personally don't want to go home and have to tell the older people who need homemaker help, hot meals and rides to the store and the doctor that "sorry, we can't afford that any more". I want ADC mothers to have day care available so they can go to school and get a job and get back on their feet. Mental health services are something any one of us may need at any time and I certainly wouldn't want to go back to the days when it was the asylum or nothing.

The legislature must be responsible for the mentally retarded, for seriously disturbed children, for rehabilitating young offenders before it is too late. I don't know how we can face the people who have been paying a cigarette tax for a year and say we have made no effort to reinstate the catastrophic illness program that we collected it for, not to mention the people who desperately need the help, and lastly, ever since I heard that the elderly householder's tax and rent refund didn't apply to the people most in need, I have wanted to do something to correct that. In fact, I put in a bill to tax advertising to fund this important area. That bill was not kindly received, so I hope we can accomplish the same end with the supplemental budget.

The bills involved in this budget at present are all ones that we have passed during the session and I hope that the House will hold fast to our original decisions and override the veto of the supplemental budget.

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

Mr. Speaker, Ladies and Gentlemen of the House: Having signed this out of committee to this Body and having this Body approve this, I really don't feel that this is an appropriations matter any more, it is a matter that this Body is now going to determine. I am very much dismayed to hear a report by the press conference on the part of the Governor earlier today where he criticized our legislative leadership for political wheeling and dealing in this connection. This is an unfortunate and, in my opinion, untrue and uncalled for remark, because if there has been one subject this year that has not been the subject of political wheeling and dealing, it is the one that is before us right now. I urge you to override the veto.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I believe I have a question still awaiting an answer from the gentleman from Orono. I would appreciate an answer, if he can't, I would expect an apology of the gentleman.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I shall vote to sustain this veto. I do not do this lightly; however, I cannot condone fuzzy wuzzy financing, tinkering or tampering with existing or future retirement funds. Today, it is the teacher's fund, tomorrow, who knows who it may be? It may be the rest of the state employees.

Let's wait until the surplus is available, let's not spend money in the sky. Frankly, I do believe it is responsible funding when you spend money that you have and not responsible funding when you spend money you don't have. Just remember L. D. 1994, remember the time, the effort that we spent in overcoming the problems that that created.

Many of these programs are excellent, some are not. Frankly, I just feel like the man is paying the full price for a dozen eggs in which half of them are good and half of them are rotten. In addition, I think we should remember that there are legal opinions that say that we can borrow from the future funds for the teachers retirement; however, if this matter is taken to the courts and this option is turned around, we will find ourselves in a terrible predicament. I think that today, to override this veto we might find ourselves in a worse box than we are in now.

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

Mr. BOWIE: Mr. Speaker, Ladies and Gentlemen of the House: I become very disturbed when I hear debate such as this. I have heard Watergate brought up and that is a dead issue. We are talking about deficit spending. I don't believe that there is a business in the State of Maine or in the United States of America that doesn't borrow money to continue doing business, and when we are going to sell our senior citizens down the drain because we don't want to borrow any money, I think this is a sad state of affairs.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor. Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Faucher, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hutchings, Ingegnieri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Laffin, LaPointe, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairy, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Strout, Susi, Talbot, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship. The Speaker.

NAY — Berry, P. P.; Birt, Connors, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Gray, Hunter, Immonen, Jackson, Kauffman, Laverty, Littlefield, Machel, McMahon, Raymond, Sprowl, Stubbs, Tarr, Teague.

ABSENT — Gauthier, Hughes, Kennedy, Truman.

Yes, 124; No, 23; Absent, 3.

The SPEAKER: One hundred and

twenty-four having voted in the affirmative and twenty-three in the negative, with three being absent, the motion does prevail.

Thereupon, the Bill became law notwithstanding the objections of the Governor.

Orders of the Day

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

Senate Report — "Ought to Pass" in New Draft (S. P. 577) (L. D. 1928) — Committee on Transportation on Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (Emergency) (S. P. 254) (L. D. 829)

Tabled — June 24, by Mr. Fraser of Mexico.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted in concurrence and the New Draft read once.

Senate Amendment "A" (S-364) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: This morning, when we talked about the gas tax, I mentioned this amendment. I failed to mention the fact it didn't go with that particular bill, but I had been told by some in this body that they would not vote for the gas tax unless this was in, so I wanted to assure them that it was. As a matter of fact, there is more in it than I expected there would be. There is included in here also bikeways, which I did not anticipate but I am glad to see it.

In order for this allocation bill to be passed and funded, we will have to depend on three other bills but it looks now like we are going to vote on the allocation bill and then decide afterwards how we are going to fund it. Therefore, I hope that the passage of this allocation bill succeeds this afternoon.

Thereupon, Senate Amendment "A" was adopted in concurrence.

Under suspension of the rules, the New Draft was read the second time.

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

Mr. JENSEN: Mr. Speaker, I would pose a question to the Chair or anyone who may answer. Should the highway budget be passed as presently amended it requires, in essence, us to pass and raise fees in two different areas, the two bills that are in front of us, or a gas tax. To my way of thinking, a tax is a tax regardless of what you call it. What happens if by some chance we don't pass one of the fee increases?

The SPEAKER: The Chair would respond in this fashion. It is either deficit spending or the amendment could be made to delete the dollars from the Allocation Act.

Mr. JENSEN: I guess what I am asking is, is the allocation act finally passed to be engrossed and then enacted before the funds are available?

The SPEAKER: The Chair would respond that this is entirely possible, pursuant to the process that we used, as the gentleman would recall, the allocation act of the Department of Inland Fisheries and Game and others. This is entirely possible, even though they can be handled at the same time. This would be the intention of the Chair, that the Enactment would be tomorrow and obviously we have the other matters for funding before us today.

Mr. JENSEN: Mr. Speaker, that being the case, it would seem to me to be extremely irresponsible to pass a budget without passing the money to go along with it in its final form.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

The following Enactors appearing on Supplement No. 4 were taken up out of order by unanimous consent:

An Act Concerning the Office of Energy Resources (S. P. 549) (L. D. 1913) (C. "A" S-285, S. "B" S-301, S. "D" S-363)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House necessary, a total was taken. 107 voted in favor of same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Compensation and Benefits under the State Classified Service (H. P. 406) (L. D. 495) (S. "A" S-366 to C. "A" H-153)

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, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24) the Speaker appointed the following Conferees on the part of the House:

Messrs. TIERNEY of Durham
CARPENTER of Houlton
Mrs. SNOWE of Auburn

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 480) (L. D. 1760) which was passed to be engrossed as amended by Committee Amendment "A" (S-351) as amended by Senate Amendments "A" (S-355), "B" (S-362), "E" (S-361), "F" (S-365), and House Amendments "B" (H-823), "C" (H-828), "E" (H-830), "F" (H-834), "G" (H-835) thereto and Senate Amendments "C" (S-356) and "A" (S-352), and House Amendments "A" (H-814), "B" (H-821), "C" (H-831), "D" (H-832) and "E" (H-836) in the House on June 24.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "A", "B", "E", "F" and "H" (S-369) and by House Amendments "B", "C" and "G" thereto and Senate Amendments "A", "C", "E" (S-368), "G" (S-371) and "F" (S-370) and House Amendments "A", "B", "C", "D" and "E" in non-concurrence.

In the House: On motion of Mr. Gauthier of Sanford the House voted to recede from passage to be engrossed.

Senate Amendment "H" to Committee Amendment "A" (S-369) was read by the Clerk.

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

Mr. LaPOINTE: Mr. Speaker and Members of the House: Could a member of the Judiciary Committee please explain this amendment?

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

Mr. PERKINS: Mr. Speaker and Members of the House: I move the indefinite postponement of Senate Amendment "H" and would speak to my motion in an effort to answer Representative LaPointe's question.

Senate Amendment "H" is a duplicate of sorts to House Amendment "F" that was adopted yesterday by this Body. It appears that there was some error, typographically, in terms of House Amendment "F" and in conflict, in part, with a Senate Amendment that was likewise adopted and, therefore, by virtue of a conference between the sponsors of the two particular amendments it was agreed that Senate Amendment "H" would be presented and that the two previous amendments would be deleted. This particular section which has been placed as an amendment to the Errors and Inconsistencies Bill bothers me, personally, quite a bit I am afraid. The arguments for this particular piece of legislation, if you will, and it is just that, is that we, as a body, or this legislature has expressed its intent that we hold legislative papers in confidence and confidentiality by virtue of a vote taken earlier in the session on a joint order presented by myself. That constitutes a sufficient cause, if you will, to amount to an error and inconsistency in the law, ladies and gentlemen, there is no law and, therefore, we must put it in the law if we are to preserve the position that was taken by the legislature or specifically by this body on my particular joint order.

I might add that I also was vocal enough to suggest that I had intent to bring suit against the Legislative Research Office because there is no law on the books that says those records are confidential and that I felt that I would prevail. If we pass this legislation, there isn't any question about it, I will lose. Whether I do or I don't and frankly, I don't find that very important other than for the fact that legislative records and reports I find are very difficult, very hard to understand what it is we, as legislators, as elected public officials, claim that we must keep our papers confident in the state of confidentiality that we would prevent the general public from being aware of what they might be if they chose to do so. That to me, rings so and true of what I consider a public official to be.

We were elected Representatives and Senators, if you will, chosen by the people to represent their interests in a public capacity and when we were elected we gave up a certain privilege, if you will, and that privilege was a luxury of remaining private citizens to the extent of our legislative capacities here. It seems to me that if any one of my constituents so chooses to come up here and go through the legislative research office, looking at my papers, I have absolutely nothing to hide.

I can't conceive of anyone else here having anything they should hide. The minute I find that we have got to pass a law that suggests that we are going to put on the books that they do not do that, then I

seriously question just what it is in there or out there that must be hidden. I suspect there really is nothing but it does cause a certain amount of stigma, suspicion or what have you to say that we have got to pass a law in order to prevent the general public from viewing our public activities, this refers to public records in the sense that it is our working papers, if you will.

I can only reiterate that the Errors and Inconsistencies Bill is supposed to be for just that purpose. It is to take care of those errors or inconsistencies as a result of legislation which is in conflict, one with another, or where there is any particular date that is inserted as a part of an act and it is no longer appropriate, as for example, the criminal code will go into effect as of March 1, 1976 and during the next legislative session, it is no longer necessary to refer to that statutorily and may be deleted. For the most part the Errors and Inconsistencies Bill has been taken care of along those lines. There are some amendments that do not do that. This one, in particular, is one that does not do that. This, in fact, passes a new law and I sincerely hope that you will defeat it on my motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I will reply to the gentleman from South Portland, Mr. Perkins, although I know he feels very strongly about this issue, I think the House should be made aware of some of the questions at hand.

First of all, the only reason that Senate Amendment "H" is back to us is because it is word for word my House Amendment "F" yesterday, it was due to a technicality which the gentleman from Bangor, Mr. McKernan, noticed yesterday that there are some problems with numbering and I had an amendment prepared and this guy in the Senate had the amendment prepared and they both went on and they are inconsistent. The only way to make them consistent was to put on a new amendment, that is technically why it is here.

Number two, the question of whether or not this is a substantial change in the present law: The only reason this entire question was brought to my attention was that the very good gentleman from South Portland, Mr. Perkins, from his position on the Judiciary Committee had written into this new section, Section 1 of the Errors and Inconsistencies Law an exception to the exception which would, in a sense, open up so that he could bring his suit after the session was over to open up the legislative files.

So, I just think that what we are trying to do here, and all this amendment does is to preserve the status quo as to preserve the confidentiality of our records in the legislative research office, an issue that this House has directly addressed when it, by a substantial margin, defeated the order presented earlier by the good gentleman from South Portland.

Now, with the technicalities out of the way, I would like to talk to the policy behind this amendment. I have voted for just about every openness in government scheme that has come through here last session and this. Some of them were pretty half baked but I voted for them anyway. I guess, in some sense, I have admitted I was wrong on some of those votes, because what has happened generally through some of our desires to be open has been a factual result of increased power on the

fact of members of the lobby. What this does is say that when you have a file with Dave Silsby, it is your file. Now, no constituent of mine has ever tried to see that file. It is not a question of your constituents driving here to Augusta and asking to see your file. The people who want to see the file are the lobbyists, they want to be able to come in on a Monday morning and say that they want to see Jim Tierney's file to check out all the labor bill and any amendments he might want to put on. They want to come in and look at the file of the gentleman from South Portland and see what he has cooking on any amendments he might want to put in on a Judiciary bill. It is that simple. I don't blame the lobbyists for wanting to know absolutely everything in there. They want to see every letter you receive from a constituent that might end up in that file. It just doesn't make any sense. It seems to me that as I am working out in my own mind what I want for the content of the bill or content of an amendment that that input, the working papers which go into that input deserve to be confidential. When I take that amendment and put it on the floor of this House, then it is for the people and, at that time, of course, I do have nothing to hide. I hope that we do not indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am going to say just one word. I was the original sponsor of the Right to Know Law that went through here and now is being corrected in the Errors and Inconsistencies Act. I want you to know that I think this is a good amendment, it was brought to the attention of those who worked on the Right to Know Law, long after it had been signed by the Governor and it is something that we had not thought of at the time. The argument that it would be the ideal tool for the member of the third House, I think, is a compelling one, and I am sure that files that I put together down in the Research Office of ideas and notions that I might someday turn into a bill, I don't care about lobbyists going through and becoming a public record before I actually am willing to go public with it myself. I think there is a slight danger here that that kind of thing could be misused and I hope that you will not vote today to indefinitely postpone this item.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Just to review the history of this, a little bit, since it has been brought up. A proposed amendment was presented to the Judiciary Committee dealing with the public records and the definition of public records. I attempted to determine just where it came from and I found the Attorney General's Office was interested in being more specific than the bill that was originally presented by Representative Smith from Dover-Foxcroft. In checking with the Attorney General's Office, I found that the reason that they were more concerned with specifics was that under Section 3 which is now a proposed amendment to Section 3, it originally read inter-office memorandums or working notes of public officials. "Inter-office memorandums or working notes and papers of a public official that are not the sole public record of action or any information considered in

taking action on any matter committed to the discretion of that official." That was an exception to what is a public record. They felt it was very necessary to have that for a couple of reasons. One was, they wanted to prevent defendants from being able to view their working records. The other was that, as you know, the Attorney General's Office gives opinions on occasion as the constitutionality of a given act, the legality of a given bill. These are so-called informal opinions and they don't like to get themselves locked into having to show this to the general public or being committed to it, is what it amounts to. That is the reason that they proposed this amendment to the definition of public records and had they left it alone, I wouldn't have had any cause of alarm. Unfortunately, when they chose to do it this way, I went down there and they agreed that it was substantive matter, it was not a procedural matter, it was a substantive matter. I said, I will tell you one thing, I am going to ask to kill: the whole bill, call it an omnibus bill if you want, it is an omnibus bill. I will move to indefinitely postpone the whole bill if this thing goes in the way it is at the present time, as presented by you people and they agreed that they didn't like to rock any cages including my own and, therefore, it was amended to make sure that it said, except public officials involved in the legislative process. I agree that was the result of my doing.

Then we had Representative Tierney present his amendment which would have specifically made sure that we were considered one of the exemptions from the public Right to Know Law. Then Senator Clifford decided to delete that whole section 3 because he didn't like the idea that the Attorney General's opinions, they wanted to keep to themselves or their inter-office memos and things of that nature should be open to us. He was concerned the legislature should be aware of what was going on and, therefore, we have Section 3, if we pass the amendment as proposed, completely deleted which takes care of the problem of the Attorney General's Office records are no longer longer being confidential but having replaced it with one even more directly involved with us, as people. That is to say, ladies and gentlemen, no, the Attorney General's Office records are no longer confidential by this, but ours remain so. As far as I am concerned, ours happens to be the only ones that do remain so, if we pass this amendment. I suggest and submit that the general public does not think that way. I hope that we indefinitely postpone this amendment.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: At the time that we debated the original order the gentleman from South Portland, Mr. Perkins, I made the offer to him that he could come and look at my files in the Legislative Research Office any time he chose. Either he is not interested or he is rather slow in getting around to it. To my knowledge, he hasn't come over and looked at them. At the same time, I also made the same offer to the editor of a newspaper in the state who had written an editorial unfavorable to our action. To my knowledge, he has not come and looked at my files in the Legislative Research Office.

I am sure that all of us, if we were asked by our constituents if they're burning with curiosity to find out what was in our files

would be able to make the decision and allow them to look at them. I would even be willing to allow lobbyists to look in my files if they so chose. I can't see that this should be mandated as the argument I made the time this could lead to a politicizing of the Legislative Research Office which we have been very, very careful to keep completely away from all politics. I hope that you will not vote to indefinitely postpone this amendment.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. The thing that bothers me the most, I guess, about this amendment and why I am going to support indefinite postponement is the remarks made at the end of Mr. Perkins speech and that is that we have gone now from one extreme to the other and we are saying that no longer are other public officials inter-office or into our office memo's going to be confidential but we are now going to allow legislative inter-office memo's or working papers to be confidential. I think that we ought to do both or neither. I think that it is inconsistent to say that the legislature should, for some reason, be above other public officials and not be subject to the scrutiny that these public officials are going to be subject to now with their papers not being confidential.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I want to commend the courage of the gentleman from South Portland, Mr. Perkins. I wonder if we are trying to be holier than thou or are we hypocrites? We want openness in government for everybody except ourselves. I don't think that makes sense. If we are going to have openness in government, it should apply to us just as well as everybody else. School boards have to, municipal officials, why are we so select that we can be exempted from this law? We have heard of sunshine laws for years.

The gentleman from Dover-Foxcroft sponsored a bill and worked hard to get it through a lot of debate and was successful. I don't think, that we ought to, now, exempt ourselves even though it is a lobbyist or any other interested citizen. I don't see why interested citizens should be denied the right to look at our records and our memo's and things of that nature.

I certainly hope you will vote to appreciate the Majority Leader who spoke and perhaps this is a lost cause. I hope that you will vote to indefinitely postpone this. If we don't, I don't know if the two-thirds will be there tomorrow or whenever we get around to vote for the final enactment of this bill, which I hope will be tomorrow. This is a matter of substance, the amendment in question was offered June 25, 1975 and I don't think that it ought to pass.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't vote to indefinitely postpone this amendment.

I have been put out quite a few times during this session when we, of some committees, had meetings and department heads came in there, not seeking our advice or giving us advice but

telling us what to do. It happened two or three different occasions when I was present and I didn't like it. Even last week, had an order that I wanted drafted, I went to the right source, I went down the next day, the order was not drafted. Then I was told that they had contacted a certain department head and the department head had told him we better go easy on this. I don't think it is a good idea to have this order drafted. That I don't agree with and I think when we get down to Legislative Research or when we go to the Attorney General's Office or anyone else and ask them to give us advice, well and good, but I don't think they should stick their noses where they have no business in, by going to our files and try to have us change our mind or spreading out what we are trying to do here, and as we introduce, whether it is a bill or an order, it becomes public property at that time and that is when it should be recognized by everyone. So, I hope we don't indefinitely postpone this thing.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just simply like to make one comment. I am a little bit disturbed by the implied threat of the gentleman from Cape Elizabeth unless we go along with this, the entire Errors and Inconsistencies Bill will be defeated.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I wonder the majority leader or someone else can tell me whether the allegation is accurate that the legislative files are less open than the files of the administration, the bureaucracy? Is it, in fact, true or are these memorandums accepted the same as they are in the executive area?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, poses a question through the Chair to anyone who cares to answer.

The Chair recognizes the gentleman from Dover-Foxcroft, Mr. Smith.

Mr. SMITH: Mr. Speaker Ladies and Gentlemen of the House: I think I am correct in saying the legislative files themselves are as open as any in the state government today. The files that we are talking about are a little bit special, in that, the people that work in the research office are attorneys, they are people that very often members of this House go to almost on an attorney client basis and the policy of that office has been one of attorney-client business, that the advice that they give, the suggestions that they write, the thoughts that they have are with their clients who are the legislators, and many of the things that are said or written in that office have been somewhat privileged on that basis and on that policy. Basically, all this amendment, to the Right to Know Law that so many of us worked so hard to get through this session is to continue that relationship and it is not an unusual relationship in our society. I am sure that you all know that it exists outside the legislature and without further study, I do not mind an amendment of this sort going on to modify that Right to Know Law very slightly. I think it is something that if we are interested in doing, we could do perhaps between now and the special session and modify it at that time, but at this late date in the legislative session, it seems to me, a bit of caution is warranted

and that we could give this matter some thought and perhaps even change it the very first thing in the next session if we consider it wise. I frankly, have not come to the conclusion that that relationship ought to be disturbed without a heck of a lot more thought on my part and I am sure that some of you others feel the same way.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: If our records, as they exist in the research office, should become as open as the gentleman from South Portland would like, I hope that we all are good spellers, for one thing. I would hate to think of someone looking in there and finding out that we did not know how to spell and see it in someone's column. I hope that none of us ever doodle on our notes, which we give to the research office. I hate to think what might come out if our doodles are looked at. I think very often we use suggestions which we receive from friends and because we are busy people, we use their letters, we turn their letters in, their names are on the letters, their words are there. I have no intention of involving the people who asked me to introduce legislation in this kind of exposure, so, therefore, I hope that you will maintain this amendment.

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: In response, I guess there is not an answer to the question of the gentleman from Bangor, Mr. Henderson. I would just like to say that he is, in fact, correct, we are giving ourselves a privilege that we have decided, even though it was in the original committee amendment, that we don't want other public officials to have and that is very clear, if you just want to look at the original subsection 3 and the new subsection 3.

I think one thing Mr. Smith said though is something we should all think about before we vote on this motion and that is, if we don't pass this amendment, we will be leaving things just the way they are and I think that rather than pass it, if we want to study it more, we should go ahead and do it. I think this is not the thing we should go ahead and do right now, to give ourselves the privilege that we don't have now.

The SPEAKER: The pending question is indefinite postponement. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Higgins of Scarborough requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 before the House is on the motion of the gentleman from South Portland, Mr. Perkins, that Senate Amendment "H" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Berube, Byers, Carpenter, Curtis, DeVane, Dudley, Dyer, Farnham, Gauthier, Henderson, Hewes, Higgins, Hinds, Hutchings, Immonen, Jackson, Kany, Leonard, Lewis,

Littlefield, Lizotte, Lunt, Mackel, McBreairey, McKernan, Morton, Norris, Perkins, S., Pierce, Silverman, Snow, Sprowl, Torrey, Twitchell.

NAY — Albert, Bachrach, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Call, Carey, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, Doak, Dow, Drigotas, Durgin, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Hennessey, Hobbins, Hunter, Ingegneri, Jensen, Joyce, Kelleher, LaPointe, Laverty, LeBlanc, Lewin, Lovell, Lynch, Mahany, Martin, A.; Martin, R.; Maxwell, McMahon, Miskavage, Mitchell, Mulhern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snow, Spencer, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Tozier, Tyndale, Usher, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Bennett, Cooney, Farley, Garsoe, Goodwin, K.; Hughes, Jacques, Jalbert, Kauffman, Kelley, Kennedy, Laffin, MacEachern, MacLeod, Mills, Morin, Palmer, Perkins, T.; Peterson, P.; Strout, Susi, Truman.

Yes, 36; No, 92; Absent, 23.

The SPEAKER: Thirty-six having voted in the affirmative and ninety-two in the negative, with twenty-three being absent, the motion does not prevail.

Thereupon, Senate Amendment "H" to Committee Amendment "A" was adopted in concurrence.

The SPEAKER: The pending question now is indefinite postponement of House Amendment "E" to Committee Amendment "A" in concurrence.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is mine, I put it in last night to take out a section that was put in the Errors and Inconsistencies that I thought was a substantial change. Since that time, I have been able to do some work on this. I have found that the section that was put in the Errors and Inconsistency is not going to create a lot of difficult problems, in fact, a lot of people do want that, it is not that bad an idea perhaps. It is still a substantial change. I am not going to fight this, I am going to go along with it, but I do want the people in this House to know that this is a substantial change, a particular bill that is going in in the Errors and Inconsistencies. I do not like the procedure but at this point in time I am not going into a big hassle between two branches or anything on this. I just think that everybody in here should be aware of what is happening.

Thereupon, House Amendment "E" to Committee Amendment "A" was indefinitely postponed in concurrence.

House Amendment "F" to Committee Amendment "A" was indefinitely postponed in concurrence.

Senate Amendment "E" (S-368) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make any motion or anything, I don't want to prolong this thing, but I do want to call your attention to the fact that in Section 24B of this particular amendment, the number of signers on a petition for nomination for House of Representatives is increased from 25 to 75, or not more

than, and it is increased from 50 to 150. Now, to my mind that is certainly a substantive change and it seems to me that that isn't part of an inconsistency or an error, but I am certainly not going to prolong this. If anybody can't get 75 signatures, they probably shouldn't be running anyway, so the idea is all right, but I just wanted to call that to your attention.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I would like to pose a question to the Chair. Senate Amendment "E" seems to be a copy of Senate Amendment "B", which was a copy of House Amendment "A", which were indefinitely postponed. Could I have a ruling if this is proper to reintroduce this amendment at this time?

The SPEAKER: The Chair would announce that the Chair understands, from what the gentleman has shown me prior to the session and during the recess, that Senate Amendment "E" is different from the amendment that was defeated and, therefore, the Chair would rule that the amendment is germane.

The gentleman may proceed.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: My only objection to Senate Amendment "E" is in the first section of the bill under party designation. In this section of the bill, it adds to the Election Laws requirement that in order to form under a political party, you must first conform with Chapters 11 and 13 of the Election Law proceedings. That causes some difficulty in forming a party because in the Election Laws, Chapters 11 and 13, if you read this section, it says, Call to the Caucus. It says, "The caucus may be called by a Chairman or a majority of the members of the municipal committee of a political party." First of all, you haven't formed a party, so you can't have members of a party call a caucus; that is one problem.

You go down into Section 364 and under Challenges of Voters at the party and the Section one under oath, it says, "I swear that I am a registered and enrolled voter in this voting district, that I am a member of the political party holding this caucus and I have not been enrolled in any other political party in the last three months." You can't be a member of that political party because your party hasn't organized in any election laws, there is no procedure for which you can organize a political party so, therefore, you are left without any third party or any opportunity for a third party, not that I am for a third party but I think we should be fair in leaving it open if a group of people want to form a third party in the state.

I move for indefinite postponement of this amendment.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: First, I will ask for the yeas and nays on the indefinite postponement motion.

I will try to answer Mr. Bagley's question first. This increase in signatures was an oversight when we put out L. D. 1404, if you remember, that is the bill that was recalled from the Governor's office, it concerns Independents only. We increased this 3 percent for federal officers. We forgot to include the House and Senate. This brings back into line with the law that has already signed.

To get back to Mr. Shute, Chapters 11 and 13 are already in our election laws. The only people in the State of Maine who would have enough members to organize a party are Independents, and they are already on the rolls as Independents, so they would have no problem.

Section 24 C and B and E concerns a law that has already been signed that concerns applications for absentee ballots. They are going to be dated in the future. That bill goes into effect 90 days after we adjourn. Many municipalities have elections in the early part of December. In the law that we passed, we said the applications must be ready three months prior to elections. There is no way that those can be ready three months prior to December, so that is why we need this other section. We have extended the deadline to January 1, 1976, so it will not interfere with municipal elections.

The SPEAKER: The Chair recognize the gentleman from Lewiston, Mr. Call.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: As I said before, a lot of these elections laws that have been proposed, bills which would produce elections laws, are bad, they are discriminatory and they are not good government. In this amendment here, the indefinite postponement which has been asked, proves it.

Now, the gentleman from Winthrop says that it is nothing for anybody to have to go from 25 signatures to 75. I was told by members of the Election Laws Committee, of which I am a member, that if I run as an Independent next time, instead of having to have a 150 signatures, I would have to have 450. That is considerably more than 75. I say that this is not right and I am surprised at the about face that the Governor has made, because when these election laws started bouncing onto his desk or he was even learning about them, he was opposed but members of the Election Laws Committee and others were able to sell him a bill of goods. So without saying any more, let me assure you that the gentleman from Stockton Springs has made a proper motion and I, too, urge you good people to indefinitely postpone this amendment.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I said that when this bill started, I wouldn't speak on it and wouldn't present an amendment, which I haven't, but I notice on this amendment it says, by a number of voters equal to at least 75 and not more than 150, multiply it by the number of representatives of which the district is entitled. It looks to me as if it is asking too much for the City of Portland to go out and get 750 signatures, each member of it, or a maximum of 1500. So I think the motion is the proper motion; to indefinitely postpone this amendment.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Generally, I am not too much concerned with election laws but this strikes me as being very, very unfair, in that I am in a single member district and, yes, I can get 75 signatures, but if I lived in Portland and wanted to run as an Independent, I have got to pick up 10 times the number of seats and I think it is 50 and that would make 15 or 750 signatures. If I lived in Bangor and

wanted to run as an Independent, I have got to pick up 5 times as many as the person who happens to be enrolled in party, and I think that is pretty cheap cricket to pay the game that way.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to explain out and see if I can't clarify this particular point. At the time that 1404 was recalled from the Governor's Office, after some discussion with the people in the Governor's Office, they recommended, as we pointed out and explained to you Thursday, that we went down with the Governor and discussed the whole bill with him in an attempt to clarify with him so we wouldn't run into the veto process. He indicated that he had no objections to people having to file two or three times as many signatures for the people who were running as Independents.

There had been a ruling come down from the Attorney General in which they had researched cases in other states in the United States in which Independents filing signatures, it was perfectly legitimate to have them file extra signatures, it was perfectly legitimate to have them file extra signatures provided that it did not result in discrimination. The reasons for that are that they do not have the cost of primary campaigns which people running in the primary have.

The second reason is, the filing of extra signatures at least gives some indication that they are a serious candidate. A person who files in a party has the backing of the party if he wins, so they are what is to be considered a viable candidate, but in order to eliminate people just running irresponsibly, the filing of extra signatures is considered to be completely proper. These are court decisions.

The other factor that comes into this picture is that in passing 1404, the law stated that they had to simply file a declaration of intention that they were going to run for a particular office on April 1st but they have until 5:00 p.m. on the primary election date in order to file their papers, so it is true that a candidate in Portland might have to file as many as 750 signatures and might have to file up to 1500, or could in between those two figures in order to get on the ballot. They have extra time and there is good reason for them to have to prove that they are a viable candidate.

What is in this particular amendment in Errors and Inconsistencies has been pointed out very well by the gentlelady from Portland, Mrs. Boudreau, it is just to try to verify an oversight when this bill was put together. You have already voted for the bill but it is just to bring it consistent with what the law says.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: In all due respect to Mr. Birt, it is absolutely no accident why this session has seen so many bills on Independent candidacies, it is simply not coincidence. There has been a development that many people in the political parties don't like and they are trying to address it and I think now, as we did in January, it is inappropriate.

I would ask a question to anybody on the Election Laws Committee and in particular to the lady from Portland, if you can tell us when L. D. 1404, was recalled

from the Governor's desk and why was not the inconsistency addressed at that time and not now in this omnibus bill?

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

Mrs. BOUDREAU: Mr. Speaker, I will try to answer his question. The reason is that we just made an error and that is what this bill is for. We forgot the House and Senate candidates, and to reply to Mr. Farnham, candidates living in multiple districts do have to get more signatures anyway. This section, 492, applies to unenrolled voters.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I am a first term but I have been amazed at the number of bills and amendments that have come before this House to discourage participation in our political system. I can't help but wonder, and maybe you see something that I don't, but are the two major parties really so insecure that we have to legislate to eliminate opposition? Maybe this amendment is lacking a fiscal note, I would suggest that we might add a fiscal note on here so we could purchase a security blanket.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: My real objection to this bill is the first section of the bill under party, and I would like to ask any member of the Election Laws Committee if the present law requires that a party conform with Chapters 11 and 13 under party organization? Secondly, did the Election Laws Committee go over this question in committee and find that it was a rather difficult question to come up with the organization of a party and decided that we would drop this party organization for this year?

The SPEAKER: A roll call has been requested. In order 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 in favor 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 before the House is on the motion of the gentleman from Stockton Springs, Mr. Shute, that Senate Amendment "E" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, G. W.; Berube, Burns, Call, Churchill, Connors, Connolly, Davies, DeVane, Dow, Farnham, Finemore, Gauthier, Gould, Gray, Hall, Henderson, Hewes, Hunter, Immonen, Kany, LaPointe, Leonard, Lewis, Littlefield, Lunt, Mitchell, Peakes, Perkins, S.; Peterson, P.; Post, Quinn, Saunders, Shute, Snowe, Spencer, Sprowl, Strout, Tierney, Torrey, Tozier, Twitchell, Wagner, Wilfong, Winship.

NAY — Albert, Ault, Bachrach, Bennett, Berry, P. P.; Birt, Blodgett, Boudreau, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Clark, Cote, Cox, Curran, P.; Curtis, Dam, Doak, Drigotas, Dudley, Durgin, Faucher, Fenlason, Flanagan, Fraser, Goodwin, H.; Greenlaw, Hennessey, Hobbins, Hutchings, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kelleher, Kelley, Laverty,

LeBlanc; Lewin, Lizotte, Lynch, MacEachern, Mackel, Mahany, Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Morton, Mulhern, Nadeau, Najarian, Norris, Pearson, Pelosi, Peterson, T.; Pierce, Powell, Raymond, Rolde, Smith, Snow, Stubbs, Talbot, Tarr, Teague, Theriault, Tyndale, Usher, Webber, The Speaker.

ABSENT — Bagley, Bowie, Cooney, Curran, R.; Dyer, Farley, Garsoe, Goodwin, K.; Higgins, Hinds, Hughes, Jacques, Kauffman, Kennedy, Laffin, Lovell, MacLeod, Martin, A.; Morin, Palmer, Perkins, T.; Rideout, Rollins, Silverman, Susi, Truman, Walker.

Yes, 45; No, 79; Absent, 27.

The SPEAKER: Forty-five having voted in the affirmative and seventy-nine in the negative, with twenty-seven being absent, the motion does not prevail.

Thereupon, Senate Amendment "E" was adopted in concurrence.

Senate Amendment "F" (S-370) was read by the Clerk and adopted in concurrence.

Senate Amendment "G" (S-371) was read by the Clerk.

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

Mr. LAPOINTE: Mr. Speaker, could a member of the Judiciary Committee please explain the amendment?

The SPEAKER: The gentleman from Portland, Mr. LaPointe, has posed a question through the Chair to anyone who may answer if they so desire.

The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, the purpose of this amendment is to authorize the Portland Water District to receive federal waste water treatment money on behalf of industrial and municipal users.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I have spent a great deal of time on this today and there was a paragraph which was submitted to the committee and left out of the bill as it was reported out of committee and essentially, it is boiler plates that was required by the Environmental Protection Agency to deal with the handling of federal funds.

Thereupon, Senate Amendment "G" was adopted in concurrence.

Mr. Dudley of Enfield offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-840) was read by the Clerk.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, we passed the bill authorizing the Howland Water District and when they come to sell their bonds, they had some problem in this and it merely makes it possible for them to sell their bonds and correct the error in the bill.

Thereupon, House Amendment "F" was adopted.

Mr. Talbot of Portland offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-842) was read by the Clerk and adopted.

Mr. Churchill of Orland offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-843) was read by the Clerk.

The SPEAKER: The Chair recognizes

the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: If I read this amendment correctly, this amendment exempts horse trailers from the certificate of title requirements under motor vehicle law. Would somebody explain that to me?

The SPEAKER: The gentleman from Kennebunkport, Mr. Tyndale, has posed a question through the Chair to anyone who may answer.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: This is something that has haunted me ever since this title law went through. As the present law reads, it reads that all trailers of an unladen weight of more than 1500 pounds must file title of ownership and all these horse trailers seem to have doubled and up to that weight weighs anywhere from 1600, 1700 or over 2000 pounds, roughly 2200 pounds the ones that I have run into trouble with. It seems rather ridiculous, and if you want to go into vehicles, I looked it up in the dictionary and I believe any vehicle includes a wheelbarrow, and if it weighs more than 1500 lbs., you would have to show proof. I couldn't go into exempting all trailers because it would include semi-trailers and all that. This is simply where they haul horses to the horse shows, and it seems rather ridiculous to have to go through the same process you do for automobiles. This is one area that I have talked with our Secretary of State and he couldn't even believe it himself when he first looked it up. I am in hopes that we can correct it to this extent.

Thereupon, House Amendment "H" was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "A", "B", "D", "F" and "H" and House Amendments "B", "C" and "G" thereto and by House Amendments "A", "B", "C", "D", "E", "F", "G" and "H" and Senate Amendments "A", "C", "E", "F" and "G" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 6 were taken up out of order by unanimous consent:

Bill "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations without Having to Appear in Court" (H. P. 1452) (L. D. 1725) which was passed to be engrossed as amended by Committee Amendment "A" (H-267) in the House on May 22.

Came from the Senate with the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Establishing a Joint Select Committee on School Attendance (H. P. 1772) which was Read and Passed in the House on June 24.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Mr. Tierney of Durham presented the following Joint Order and moved its passage: (H. P. 1775)

WHEREAS, the present recession has

caused a level of unemployment in Maine of 10%; and

WHEREAS, the provision of unemployment benefits for this large number of unemployed workers has caused a serious depletion of the unemployment compensation fund; and

WHEREAS, hearings held before the Legislature during the regular session of the 107th Legislature have shown that serious inequities and deficiencies exist in the current statutes relating to unemployment; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council through the Joint Standing Committee on Labor, be authorized to conduct a thorough study of the unemployment statutes of this State, including but not limited to, a study of eligibility limitations for collecting unemployment compensation, the level of statutory benefits provided for those eligible for unemployment compensation, and the rates paid by employers to support unemployment compensation insurance; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive.

The Order was read and passed and sent up for concurrence.

The following Enactors appearing on Supplement No. 2 were taken up out of order by unanimous consent:

An Act Increasing the State Gasoline Tax (H. P. 1055) (L. D. 1332) (C. "A" H-743) Emergency

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

(On motion of Mr. Rolde of York, tabled pending passage to be enacted and tomorrow assigned.)

Resolve, Proposing Study of the Implementation of State Ferry Service on Casco Bay (H. P. 1154) (L. D. 1448) (C. "A" H-631)

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

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

An Act Relating to Motor Vehicle Fees (H. P. 730) (L. D. 907) (C. "A" H-702)

Tabled — by Mr. Rolde of York.

Pending — Passage to be enacted.

On motion of Mr. Rolde of York, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act Increasing Motor Vehicle Registration Fees" (H. P. 1692) (L. D. 1930) which was indefinitely postponed in the House on June 23. In Senate, passed to be engrossed in non-concurrence.

Tabled by — Mr. Fraser of Mexico

Pending — Further consideration

On motion of Mr. Rolde of York, tabled

pending further consideration and tomorrow assigned.

(Off Record Remarks)

Mr. Nicholas of the Passamaquoddy Tribe was granted unanimous consent to address the House.

Mr. NICHOLAS: Mr. Speaker, Ladies and Gentlemen of the House: In January of this year, I came and I expressed how deeply grateful I was to represent the people that I do. I will be leaving tonight, expressing deep gratitude to the 107th Legislature for understanding us as we truly are. It is my hope that I have been an instrument that was to represent my people in a truer light.

Mr. Silverman of Calais was granted unanimous consent to address the House.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: In saying thank you to Representative Nicholas from the Passamaquoddy Tribe, I wish to say something here today because it is probably history.

The Passamaquoddy language, the Indian language that was carried on for hundreds of years before and after the white man came to this continent, never in the last hundred years had a chance to be in writing. It was just a language that was carried on from father to son and from father to son, and possibly about six years ago, through a federal grant, one of the Passamaquoddy Indians started using the language on tape, which eventually they put into the English alphabet and because of that, today we now have that language in writing. I call that a tremendous benefit of educated mankind in helping and also enduring a language and a native people that mean so much to the State of Maine.

On motion of Mr. Rolde of York,
Adjourned until ten o'clock tomorrow morning.