

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, February 26, 1976

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

Prayer by the Reverend Wilson Hickam of Waterville.

The journal of yesterday was read and approved.

The following matter was taken up out of order by unanimous consent:

Bill "An Act to Make Necessary Revisions in the Income Tax Law for School Funding Purposes" (Emergency) (H. P. 2112) (L. D. 2264) (Presented by Mr. Rolde of York) (Cosponsor: Mr. Palmer of Nobleboro) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S. P. 635 as amended)

Under suspension of the rules and without reference to a Committee, the Bill was read twice, passed to be engrossed and ordered sent forthwith for concurrence.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 722)

STATE OF MAINE  
ONE HUNDRED AND  
SEVENTH LEGISLATURE  
COMMITTEE ON AGRICULTURE

February 10, 1976

Senator Jerrold B. Speers, Chairman  
Legislative Council  
State House

Augusta, Maine 04333

Dear Senator Speers:

In accordance with Senate Paper 530, directing the Committee on Agriculture to study the subject matter of L. D. 967, "AN ACT Making Potato Processors Subject to Certain Provisions of the Licensing and Bonding Statutes for the Bonding of Potatoes," we enclose herein the final report of the Committee.

Respectfully submitted,

(Signed) Walter W. Hichins,

Senate Co-Chairman,

Agriculture Committee

(Signed) Luman P. Mahany,

House Co-Chairman,

Agriculture Committee

Came from the Senate with the Communication read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file in concurrence.

**Study Report**

**Performance Audit**

Committee on Performance Audit to which was referred the study relative to Providing Funds to the Department of Inland Fisheries and Wildlife, pursuant to S. P. 587 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife" (S. P. 718) (L. D. 2254) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Performance Audit and ordered printed.

In the House, the Report was read and accepted and the Bill referred to the Committee on Performance Audit in concurrence.

**Messages and Documents**

The following Communication: (H. P. 2100)

STATE OF MAINE  
ONE HUNDRED AND  
SEVENTH LEGISLATURE  
COMMITTEE ON ENERGY

February 13, 1976

Senator Jerrold B. Speers, Chairman  
Legislative Council  
State House

Augusta, Maine 04333

Dear Senator Speers:

In accordance with House Paper 1728, directing the Committee on Energy to study the subject matter of L. D. 1746, "AN ACT Adjusting the Maine State Sales and Use Tax on Passenger Motor Vehicles in Accordance with Engine Efficiency," We enclose herein the final report of the Committee.

Respectfully submitted,

(Signed) John B. Roberts

Senate Co-Chairman, Energy Committee

(Signed) Robert M. Farley

House Co-Chairman,

Energy Committee

The Communication was read and with accompanying Report ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 2101)

STATE OF MAINE  
ONE HUNDRED AND  
SEVENTH LEGISLATURE  
COMMITTEE ON LIQUOR CONTROL

February 12, 1976

Legislative Council  
107th Legislature  
State House

Augusta, Maine

Gentlemen:

In accordance with H. P. 1499 which directed the Legislative Council, "through the Joint Standing Committee on Liquor Control to study the procedures, regulations and statutes governing the issuance of liquor licenses and the qualifications of liquor licensees," we enclose herein the final report of the Committee.

Respectfully submitted,

(Signed) Linwood E. Graffam

Senate Chairman

(Signed) Sidney D. Maxwell

House Chairman

The Communication was read and with accompanying Report ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 2111)

STATE OF MAINE  
ONE HUNDRED AND  
SEVENTH LEGISLATURE  
COMMITTEE ON ENERGY

February 13, 1976

Senator Jerrold B. Speers, Chairman  
Legislative Council  
State House

Augusta, Maine

Dear Senator Speers:

In accordance with House Paper 1540, directing the Committee on Energy to study the subject-matter of L. D. 746, "AN ACT Concerning Loans Made By Savings Banks For Housing Meeting Certain Energy Conservation Standards," we enclose herein the final report of the Committee.

Respectfully submitted,

(Signed) John B. Roberts

Co-Chairman, Energy Committee

(Signed) Robert M. Farley

Co-Chairman, Energy Committee

The Communication was read and with accompanying Report ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 2110)

January 28, 1976

Legislative Council  
107th Legislature  
State House  
Augusta, Maine 04333  
Gentlemen:

In accordance with your order creating a joint interim committee on railroad taxation and directing it study the railroad excise tax in Maine, I enclose herein the final report of the committee.

Respectfully submitted,

(Signed) Sidney D. Maxwell, Chairman

Joint Interim Committee on

Railroad Excise Taxation

The Communication was read and with accompanying Report ordered placed on file and sent up for concurrence.

The following Communication: (H. P. 2113)

STATE OF MAINE  
ONE HUNDRED AND  
SEVENTH LEGISLATURE  
COMMITTEE ON STATE  
GOVERNMENT

February 4, 1976

Legislative Council  
107th Legislature  
State House

Augusta, Maine 04333

Gentlemen:

In accordance with H. P. 1741 directing the State Government Committee to study Legislative Investigating Committees, P. L. 1975, c. 593, we enclose herein the final report and implementing legislation of the Committee.

Respectfully submitted,

(Signed) Senator Theodore S. Curtis, Jr.

(Signed) Rep. Leighton Cooney

The Communication was read and with accompanying Report ordered placed on file and sent up for concurrence.

**Petitions, Bills and Resolves**

**Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

**Public Utilities**

Bill "An Act Relating to the Trustees of the Dexter Utility District" (H. P. 2103) (Presented by Mr. Peakes of Dexter)

(Ordered Printed)

Sent up for concurrence.

**Study Reports**

**Judiciary**

Mr. Henderson from the Committee on Judiciary to which was referred the study relative to Landlords and Tenants, pursuant to H. P. 1763 of the 107th Legislature, have had the same under consideration, and ask leave to submit its minority findings and to report that the accompanying Bill "An Act to Establish the Maine Uniform Residential Landlord and Tenant Act" (H. P. 2098) (L. D. 2258) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

**Study Report**

**Judiciary**

Mr. Hewes from the Committee on

Judiciary to which was referred the study relative to Landlords and Tenants, pursuant to H. P. 1763 of the 107th Legislature, have had the same under consideration, and ask leave to submit its Majority findings and to report that the accompanying Bill "An Act to Provide a Procedure for Establishing Additional Exceptions for the Definition of Rental Units and to Clarify the Procedure for the Appointment of a Rent Control Administrator or Board under the Municipal Rent Control Law" (H. P. 2099) (L. D. 2259) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

**Study Report**  
**Joint Select Committee on**  
**County Government**

Mr. Dam from the Committee on Local and County Government to which was referred the study relative to Incorporate Frye Island Village Corporation, pursuant to H. P. 1739 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Incorporate the Frye Island Municipal Services Corporation" (H. P. 2109) (L. D. 2263) be referred to the Committee on Local and County Government for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

**Study Reports**  
**Labor**

Mrs. Tarr from the Committee on Labor to which was referred the study relative to the Unemployment Statutes of the State, pursuant to H. P. 1775, of the 107th Legislature, have had the same under consideration and ask leave to submit its finding and to report that the accompanying Bill "An Act to Adjust the Disqualification Period for Voluntarily Leaving Employment and to Adjust Maximum Unemployment Benefits Paid to Individuals Discharged for Misconduct" (Emergency) (H. P. 2116) (L. D. 2265) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Labor, ordered printed and sent up for concurrence.

Mrs. Tarr from the Committee on Labor to which was referred the study relative to Unemployment Statutes of the State pursuant to H. P. 1775 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Charge Supplemental Weekly Benefits for Dependents to the General Fund Account of the State Unemployment Trust Fund" (Emergency) (H. P. 2117) (L. D. 2266) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Labor, ordered printed and sent up for concurrence.

Mrs. Tarr from the Committee on Labor to which was referred the study relative to Unemployment Statutes of the State pursuant to H. P. 1775 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Prohibit Payment of Dependency Allowances to Persons with a Spouse Employed Full Time" (H. P. 2118) (L. D. 2267) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Bill referred to the Committee on Labor, ordered printed and sent up for concurrence.

**Orders**

Mrs. Saunders of Bethel presented the following Joint Order and moved its passage: (H. P. 2102)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

THE HUSKIES OF  
GOULD ACADEMY  
WESTERN MAINE CLASS D  
BASKETBALL CHAMPIONS  
FOR 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Shute of Stockton Springs presented the following Joint Order and moved its passage: (H. P. 2104)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

SEARSPORT HIGH SCHOOL  
EASTERN MAINE CLASS C  
BASKETBALL CHAMPIONS  
FOR 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

At this point, a message was received from the Senate, borne by the Majority Floor Leader, Senator Jerrold B. Speers, of that body, proposing a Joint Convention of both branches to be held at 10:00 A.M. in the Hall of the House for the purpose of forming a Bicentennial Convention.

Thereupon, the House voted to concur in the proposal for a Joint Convention and the Chair appointed Mr. Rolde of York to convey a message to the Senate to that effect.

Mr. Nadeau of Sanford presented the following Joint Order and moved its passage: (H. P. 2105)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

THE REDSKINS OF  
SANFORD HIGH SCHOOL  
STATE OF MAINE  
WRESTLING CHAMPS  
FOR 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Farnham of Hampden presented the following Joint Order and moved its passage: (H. P. 2106)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

HAMPDEN ACADEMY BRONCOS  
EASTERN MAINE CLASS A

GIRLS BASKETBALL CHAMPIONS  
We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Littlefield of Hermon presented the following Joint Order and moved its passage: (H. P. 2107)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Hermon High School Hawks Eastern Maine Class B girls basketball champions

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

**Tabled and Assigned**

Mr. Kauffman of Kittery presented the following Joint Order: (H. P. 2108)

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized and directed to pay each Member of the Legislature prior to March 15th of 1975 a \$200 allowance for constituent services as authorized in Title 3, section 2 of the Maine Revised Statutes.

The Order was read.  
(On motion of Mrs. Najarian of Portland, tabled pending passage and tomorrow assigned.)

Mrs. Tarr of Bridgton presented the following Joint Order and moved its passage: (H. P. 2114)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Gary Speed recipient of the Pierre Harnois Sportsman and valuable player award as a member of the Western Maine Class B Champions from Lake Region High School basketball team

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

At this point, Mr. Rolde of York reported that he had delivered the message with which he was charged.

Mrs. Tarr of Bridgton presented the following Joint Order and moved its passage: (H. P. 2115)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Lake Region High School Boys Basketball Team Western Maine Class B Champions for 1976

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't normally react to criticism. That is one of the things you have to expect when you decide to serve in the legislature. But I am disturbed this morning.

In the Bangor Daily News this morning, I would like to read two paragraphs from the "In Our Opinion" editorial speaking of the legislature. "They find themselves so divided on a remedy, so befuddled by the inner workings of the law they created and so petrified of losing face in a contest of public upmanship with the Governor that they panicked and ran through an \$18.3 million hike in Maine State Income Tax and they couldn't even draw the law up right. As it passed, the taxpayer would have raised \$22 million instead of the intended \$18 million. Well, what's an extra \$4 million when you have a license to steal?"

I resent personally, and I do on the part of the legislature, the implication that we are stupid. We have created an error; we are rectifying it. I have seen the Bangor Daily News in the last few years, in commenting on public education, consistently mislead their readers and never do they rectify their errors. I think if

they are going to preach to the legislature, they ought to take care of their own household.

**House Reports of Committees  
Ought Not to Pass**

Mr. Curran from the Committee on Natural Resources on Bill "An Act Concerning the Protection of Inland Areas Against Damage Caused by Oil Spills" (H. P. 1947) (L. D. 2133) reporting "Ought Not to Pass"

Mr. Cooney from the Committee on State Government on Bill "An Act Requiring Disclosure of Communications Made by Elected Public Officials to Sensitive Regulatory and Loan Granting Governmental Bodies" (H. P. 1994) (L. D. 2175) reporting "Ought Not to Pass"

Mr. Powell from the Committee on Education on Bill "An Act to Provide Supplemental Appropriations for Summer Programs for Exceptional Children" (H. P. 1878) (L. D. 2053) reporting "Ought Not to Pass"

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Automatic Cost-of-Living Wage Supplements for State, Maine Maritime Academy and University of Maine Employees" (H. P. 1806) (L. D. 1965) reporting "Ought Not to Pass"

Mrs. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing State, Maine Maritime Academy and Classified and Unclassified University of Maine Employees' Pay" (Emergency) (H. P. 1808) (L. D. 1967) reporting "Ought Not to Pass"

Mr. Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Increase Classified and Unclassified State Employees' Pay" (Emergency) (H. P. 1813) (L. D. 1980) reporting "Ought Not to Pass"

Mr. MacLeod from the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing all State, Maine Maritime Academy and University of Maine Employees' Pay" (H. P. 1845) (L. D. 2010) reporting "Ought Not to Pass"

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide a Pay Increase to State, Maine Maritime Academy and University of Maine Employees" (Emergency) (H. P. 1932) (L. D. 2120) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A, and sent up for concurrence.

**Leave to Withdraw**

Mr. Usher from the Committee on Fisheries and Wildlife on Bill "An Act to Designate Certain Rivers as Salmon Trophy Rivers" (H. P. 1969) (L. D. 2158) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Adequate Funds for the Operation of a Bureau of Veterans Services Office in Aroostook County" (Emergency) (H. P. 1847) (L. D. 2016) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-930)

Report was signed by the following members:

- Messrs. GAHAGAN of Aroostook
- MARCOTTE of York

- Mrs. GOODWIN of Bath
- Messrs. SMITH of Dover-Foxcroft
- CARTER of Winslow
- JALBERT of Lewiston
- LeBLANC of Van Buren

— of the House.  
Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:

- Mr. HUBER of Cumberland
- of the Senate.
- Messrs. MacLEOD of Bar Harbor
- GARSOE of Cumberland
- of the House.

Reports were read.  
On motion of Mr. Smith of Dover-Foxcroft, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-930) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on Liquor Control on Bill "An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee" (H. P. 1892) (L. D. 2072) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-932)

Report was signed by the following members:

- Messrs. DANTON of York
- CARBONNEAU of Androscoggin
- GRAFFAM of Cumberland
- of the Senate.

- Messrs. LIZOTTE of Biddeford
- DYER of South Portland
- JACQUES of Lewiston
- MAXWELL of Jay
- PERKINS of Blue Hill
- IMMONEN of West Paris
- TWITCHELL of Norway
- of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:

- Messrs. PIERCE of Waterville
- RAYMOND of Lewiston
- of the House.

Reports were read.  
On motion of Mr. Maxwell of Jay, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-932) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

**In Convention**

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Corson of Somerset, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Armand A. Dufresne Jr., Chief Justice of the Maine Supreme Court and to inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives and extend to him an invitation to attend the Bicentennial Convention.

- The Chairman appointed:  
Senators:  
COLLINS of Knox  
MERRILL of Cumberland



CLIFFORD of Androscoggin  
Representatives:

HOBBINS of Saco  
BENNETT of Caribou  
HENDERSON of Bangor  
HUGHES of Auburn  
SPENCER of Standish  
HEWES of Cape Elizabeth  
PERKINS of South Portland  
McMAHON of Kennebunk  
MISKAVAGE of Augusta

Senator Collins for the Committee subsequently reported that the Committee had attended to the duty assigned to it, and the Chief Justice was pleased to say that he would forthwith attend the Convention.

Whereupon, Chief Justice Armand A. Dufresne, Jr., entered the Convention Hall amid prolonged applause, the audience rising.

On motion of Mrs. Cummings of Penobscot, it was

ORDERED, that a Committee be appointed to wait upon the Honorable James B. Longley, Governor, and to inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Bicentennial Convention.

The Chairman appointed:

Senators:

CURTIS of Penobscot  
WYMAN of Washington  
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus  
CARPENTER of Houlton  
KANY of Waterville  
PELOSI of Portland  
QUINN of Gorham  
WAGNER of Orono  
FARNHAM of Hampden  
SNOWE of Auburn  
LEWIN of Augusta  
STUBBS of Hallowell

Senator Curtis for the Committee, subsequently reported that the Committee had attended to the duty assigned to it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor James B. Longley, attended by the Executive Council, entered the Convention Hall amid prolonged applause, the audience rising.

The CHAIRMAN: We are pleased to welcome this morning the Ashland Community High School Band who have already played in a very excellent fashion and they will now play the Star Spangled Banner.

Whereupon, the Audience stood at attention during the playing of the National Anthem.

The CHAIRMAN: Governor Longley, Chief Justice Dufresne, Mr. Speaker, Executive Councilors, Legislative Colleagues and Distinguished Guests: I certainly take great pride this morning in opening this session in honor of our Bicentennial. We are gathered here today in Joint Convention to commemorate 200 years of this great and free Republic. We are gathered here today to take notice of men and women who had the will and the courage to stand up to the established, who dared to be different, who dared to take the risk of public humiliation and even death for principles in which they believed.

During this year, as we celebrate the foundations of freedom which have so

firmly supported the building of this Nation, we have much to reflect on with gratitude and pride. We have much to learn and much to ponder from the trials and tribulations of our forebearers who, with so much dedication and purpose, fought with unparalleled fervor for dignity and human rights. This dignity and these human rights were not merely for themselves but rather for all people from all walks of life and for all generations of Americans who would follow.

We, indeed, have been the beneficiaries of their acts. So as we enter our 200th year, let us see what we can learn from those proud times. Let us remember and rededicate ourselves to those strong human qualities and that undying spirit which spawned the ability to make a dread a reality. Let us take and keep from that Revolution the goodness and strength which allowed our forefathers to meet and conquer such difficult tasks.

All of us here today, as citizens of Maine, can and should take pride in the role our forefears played in contributing to the cause and spirit of the American Revolution. A number of events, highlighted by heroic and courageous acts by settlers in Maine, marked a significant devotion to the principles over which the colonies fought for separation from the Crown.

When we talk about taking and keeping from that Revolution the courage, dedication and strength which marked its spirit, we can look with honor to the Province of Maine in 1775.

We can remember with pride when the Boston Port Bill took effect and the port of Boston was closed by the British Parliament. Several Maine towns, most known to be Falmouth and Cape Elizabeth, rushed to the aid of Boston by sending wood, cash and other supplies to provide relief to their fellow colonists.

We can remember with pride when upon learning of the Battle of Lexington on the evening of April 19, 1775, the morning of April 20 saw over 60 men leave York to join the war. Many more from other areas in the Province of Maine were to follow shortly thereafter.

We can remember with pride during this year of Bicentennial celebration that in June 1775, Machias was the site of the first naval battle between the colonists and the British. As a result of disagreements over the exchange of goods and supplies, the Unity, commanded by the American Patriots, overcame and conquered the British ship, Margaretta. It was a vicious battle, which demonstrated not only the colonists' dedication to the Revolutionary movement but also helped dispel the contention of the invincibility of the British naval forces.

We can remember with pride as well that in the fall of 1775 courageous American patriots, under the direction of Colonel Benedict Arnold, left Fort Western on a bitter and gruelling expedition to the northern Maine wilderness in an attempt to capture Quebec. The mission, in the end, failed, but even in defeat, the thorough dedication to the Revolutionary cause remained clear.

We can also remember with pride that in October of 1775, the citizens of Falmouth stood up against the King, only to have their town burned and bombarded by the British. But rather than succumb, even after their town was destroyed, the event rekindled the spirit in the Falmouth people for the principles and purposes of the Revolution.

So, as citizens of Maine, we truly have much in which to take pride when we talk of commemorating our 200th birthday as a free Nation. The Province of Maine gave its share to the Revolutionary cause.

I suppose each and very one of us here today has a different perspective on the meaning of the Bicentennial, but I think the one common awareness which evolves from this celebration is the fact that as a nation we have come so far in so short a time. Two hundred years is not a very long time in the life of a nation. But only 200 years ago, America came from a novel birth. Thirteen separate colonies, populated by divergent men and women of an independent and adventurous nature, joined in a dream to establish a republic which would be governed by the will of the people. It would be a nation of equals, not of kings and subjects, not of rulers and those ruled, not of despots and the oppressed, but a nation whose government would represent the sentiments of their people. This belief was the pillar of strength which would support the building of the republic, and if this experiment in republicanism were to succeed, it was essential that the people's rights and freedoms at all times be protected and preserved.

Thomas Jefferson said, "The basis of our government being the opinion of the people, the very first object should be keep that right." Indeed, Jefferson's observations were correct. It was essential to lock in unpenetrable security the people's freedom of choice and opinions, as well as their inalienable rights as Americans of "life, liberty and the pursuit of happiness," for these inherent rights provided the cement which would hold the republic together.

From these principles developed and adopted by our founding fathers two centuries past, America has grown and prospered. While other while other governments have failed, America has gained strength. While other nations have been destroyed by internal turmoil, the fiber of America has proven strong enough to hold, even during times of extreme adversity.

As we celebrate this Bicentennial, we have much to be thankful for, but we also have much to preserve, and by having much to preserve, we have great challenges ahead.

Let it be the commitment of this Bicentennial celebration for us to pledge to future generations of Americans that they will have the same freedoms as we have enjoyed as a result of similar pledges from those who came before us.

Let it be our commitment as we embark on our third century to preserve and maintain the principles which have allowed us to become the greatest of all free nations, and let it be our commitment to continue to battle for the rights of all people to control their own destiny.

We have many battles ahead which must be won. We have many challenges. But if during this Bicentennial we remember the challenges our forefathers confronted and conquered, challenges which were the toughest Americans have ever faced, we shall find the strength and courage to launch America into even a more golden and prosperous age.

Thank you all very much.

The CHAIRMAN: It is now my pleasure to introduce to you the Chief Justice of the Maine Supreme Court, Armand A. Dufresne, Jr.

CHIEF JUSTICE DUFRESNE: Your Excellency, Governor Longley, Mr. President Sewall, Mr. Speaker Martin, Ladies and Gentlemen of the Senate and House of Representatives, my Dear Friends: It is with utmost pleasure that I have accepted the invitation to join you in this official opening in Maine of celebrations which take place throughout the country in recognition of our Nation's 200th birthday. As Chief Justice of the Supreme Judicial Court of Maine, I wish to extend to the citizens of Maine, on the memorable occasion, full and just acknowledgement of gratitude from the Judiciary for the help and understanding which they have generally accorded the courts. Generally speaking, a great majority of our people have recognized the duty of our courts to uphold and defend the rights of persons to a full and just measure in the enjoyment of life and liberty, the possession of property and the pursuit of safety and happiness which our Constitution intended to secure to the American people.

It is with just pride that we bring to the world in this Bicentennial year a showcase of achievements greater than what any nation was ever able to put together in the short span of 200 years.

From the precarious times following our Declaration of Independence, we have as a nation promoted and succeeded in obtaining, for the benefit of ourselves and the world, unparalleled advancement in all spheres of endeavor, whether it be in the industrial or scientific arena, in the cultural or personal freedom area, or be it in terms of the individual's personal welfare. This has been accomplished through the guidance of able and fearless statesmen, dedicated servicemen who risked and gave their lives in defense of this country's rights and honor, hard working people whose primary purpose in life was the welfare of their compatriots, and last but not least, all those religious men and women who devoted themselves to the promotion of the nation's moral strength and to our people's religious needs.

Of course, each and every citizen, across the stage of time, has played a part in raising America to her rank as first in the world.

No matter how refreshing it is to contemplate our heroic achievements in these 200 years of nationhood, we cannot help but notice our immediate times of trouble and distress. America has had its crises from the time of her birth to the present day. We need only to think of our Civil War, of the great depression and of recent vintage, the Vietnam War and Watergate, to bring a cool sobriety to our chance of victory and grandeur.

Indeed, we are in the midst of a vigorous turbulence. It may be called a mini-depression or moderate recession, but such labels in no way reduce the heavy impact which the present economic strain has on the well being of many people, nor do they help to dissipate the serious concerns of many respecting an early recovery.

We should use this occasion to rededicate ourselves to seek a breakthrough in this storm of economic stress. Good men together can accomplish anything, even the most impossible dreams.

In the past, at times of crises, we had leaders when we needed them. George Washington, the father of our country, had

his Valley Forge. The very Union of our United States we owe to Abraham Lincoln. Franklin D. Roosevelt saved us from bankruptcy of country, body and soul. Dwight D. Eisenhower kept the war machines away from our shores. I know that we have under this dome leaders who can bring our state out of her economic, chaotic status to a brighter tomorrow. It is the fare of leaders to dare mighty things to bring about the hour of triumph. Beware of the great twilight of lesser fare that knows neither victory nor defeat.

Every American has a stake in getting the Nation's state back on course. It is our hope that all Americans will exercise the franchise in this Bicentennial year and participate in the process of putting our Nation on the road to recovery by electing leaders of utmost integrity and of the greatest ability.

As a people, we must rededicate ourselves to a code of moral value which will arrest the ways of criminality and usurious erosion. The Judiciary will cooperate fully in its sphere of action, endeavoring as it dispenses criminal justice to bring about a great deterrent from criminal activity, provided the necessary correctional institutions are there to take care of the offenders.

This is a very unique occasion where each of us could ask ourselves what we individually can do to assure continued greatness to our State and Nation so that we can all walk together with cheerful courage toward the blue skies of tomorrow's prosperity.

May God bless America and its leaders on this her Bicentennial birthday. Thank you very much. (Applause, the audience rising).

THE CHAIRMAN: I am now pleased to introduce to this Convention the Governor of the State of Maine, James B. Longley.

GOVERNOR LONGLEY: Mr. President Sewall, Executive Council Chairman, Mr. Cianchette, Mr. Speaker, Mr. Chief Justice: I am going to tell a little family secret, something very few people know, that the Chief Justice is one of the brightest and ablest practicing lawyers in this state and the person outside of my own family most responsible for my moving through law school. He will also tell you it took me ten years to do it. But despite what some people might think, there is a family reason — every time we had a child, I took a year off and the Chief Justice said to me one day, he was also my sponsor at the Bar, it is a good thing we didn't have ten children.

Mr. President, your message that we must dare to be different, that America did in fact dare to be different and dared to stand up, and Mr. Chief Justice, your message that in effect the words in the music "The Impossible Dream", did in fact become a reality in America and the challenges upon us to continue to make this impossible dream possible.

So, as Governor, I also commend the Bicentennial Commission and the Committee responsible for this very important and appropriate tribute today. I deeply appreciate the honor and privilege of being a part of this Maine observance of the Maine and American Bicentennial celebration. It is indeed a time when it is fitting and proper that we pause as a state and a nation to take a look at where we have been and where we are going. And, yes, we have much reason to have faith as

we see youngsters such as in the Ashland High School Band and many other wonderful citizens who have joined us today.

On July 3, 1776, John Adams wrote a letter to his wife. In that letter he said, "I am well aware of the toil, and blood and treasure, that it will cost us to maintain this declaration and support and defend these states. Yet, through all the gloom, I can see the rays of ravishing light and glory. . . ." That is appropriate with the serious problems we are now facing here in this State House.

He went on further and said to his wife, "I am apt to believe that it will be celebrated by succeeding generations as the Great Anniversary Festival."

The very fact that we are pausing as a state and as a nation to celebrate our Nation's 200th Birthday is evidence that both Mr. Adams' prophesy and optimism in faith, in America, were well founded.

However, Mr. Adams himself was in a more pessimistic mood some eleven years late on October 9, 1787, when he wrote to his friend Thomas Jefferson and said, "In short, my dear friend, you and I have been indefeatable laborers through our whole lives for a cause which will be thrown away in the next generation, upon the vanity and foppery of persons of whom we do now know the names perhaps. The war that is now breaking out will render our country, whether she is forced into it or not, rich, great, and powerful in comparison to what she now is, and riches, grandeur and power will have the same effect upon America as it has upon European minds." He said this, obviously, with deep concern what was happening to AMERICA.

As we pause today to commemorate this nation's bicentennial, we must reflect equally on the optimism expressed in John Adams' letter to his wife and the pessimism displayed later in the letter to Thomas Jefferson.

Even as the republic was being formed, Mr. Adams had the vision to be aware of the toil, the blood and the treasure that it would cost future generations to maintain the Declaration of Independence and the freedom being penned by him and his friends. He rightfully suggested that the nation pause at a given time throughout its history, as we are doing today, to celebrate and reflect on the future.

In the eleven years which lapsed from the time Mr. Adams wrote his wife and when he wrote Thomas Jefferson, it was obvious that while he may not have become completely cynical, he had at least developed a concern for how future generations, such as we today, would deal with this new Democracy which he had so proudly helped found. It was clear in his letter to Thomas Jefferson that Mr. Adams suspected that the next generation might toss away that which has been so difficult to attain.

History has shown that Mr. Adams' optimism for the new Republic was more founded than was his pessimism, as difficult as the recent days have been, and suspicion of the generations to which he and Jefferson would hand the torch, the subject of challenge, and hopefully meet the challenge.

The history of this great nation is secure, having been made that way by men like Adams and Jefferson and the generations which came after them and which performed far above Mr. Adams' expectations.

As we celebrate our nation's 200th birthday, we must take a lesson from history and avoid repeating Mr. Adams' mistake of distrusting the generations that follow. By the same token, we must strive to deed to future generations even a fraction of that which was handed forward by people like John Adams and Thomas Jefferson. Perhaps we cannot find gifts as priceless and eloquent as the Declaration of Independence, but we must make certain that the gifts which have been passed on to us are, in turn, entrusted to future hands unblemished and untarnished.

This nation is celebrating a grand birthday, a birthday deserving of a gift from each of its citizens. I submit that the greatest gift each of us could give would be a willingness in 1976 to place more into government than we expect or intend to receive in return. To paraphrase John F. Kennedy's great inaugural quote, "ask not what your country can do for you but what you can do for your country", we here in the legislative and executive branches of government in Maine must come together and say to those who only seek benefits from government to please help us put back into government in Maine and America as much or more than we try to take out.

The people of Maine justifiably take great pride in the part they and their forefathers have played in the glorious history of this nation. Maine people as you so well know, have stepped forward to pay the price of democracy each time a price had to be paid. Maine has given its sons and daughters time and time again to defend that delicate and priceless thing called freedom.

Throughout our history, various cities and states of the Nation have been entrusted with the privilege and responsibility of preserving and protecting tangible symbols of our democracy.

Pennsylvania has the Liberty Bell and Independence Hall. Massachusetts proudly displays monuments at Lexington and Concord and Bunker Hill, while Washington, as we well know, is the showcase for monuments to the greats like Lincoln, Jefferson and Washington, and they persevered despite an occasional challenge.

Maine, I feel, has been entrusted over the years with preserving and protecting an intangible, yet equally important, symbol of our democracy. That symbol is the independence of the people of this great Nation. Maine has done its job well for 200 years. The independent spirit, a necessary ingredient in democracy, still flourishes throughout this Nation and Maine has never relinquished its claim as being the home of this priceless quality that has also made America great.

I believe that this generation of Maine people can proudly say to the generation that follows that the gifts of democracy that we are passing forward are in good shape after 200 years and that we must make the next 200 years as great for those who follow as it has been for those who preceded them. We here in Maine have much reason to have pride in the past and faith in the future. I say that not as your Governor but as a person who, while he was in the business community for over 300

months and Governor less than 14 months, I have seen some of the most dedicated and conscientious citizens in my life sit in these seats here today. Yes, I have faith that working together our children and future citizens hopefully will be proud and grateful for what we have tried to do, as we are proud and grateful of what has been done for us. Thank you very much. (Applause, the audience rising)

The CHAIRMAN: The Chair is pleased to introduce to the Convention, Mr. Eric Wight of Medway who will sign the Bicentennial Song.

Mr. WIGHT: Thank you President Sewall, Governor Longley, Members of the Senate and Members of the House and invited guests and friends.

This morning I would like to have you take just a moment or two and digress from the normal course of events in here, instead of thinking forward, I would like to have you think backward. If you could think back about 200 years to a spot on the far side of the river less than half a mile from where we are gathered here this morning. The scene over here is Fort Western in late September, Colonel Benedict Arnold is head of a rag-tag army put together in a hurry to make an expedition through the Maine wilderness to Quebec City. They came from all walks of life, farmers, fishermen, merchants, many, many others. Yes, they were Yankee Doodles, just like the ones in the song. The only problem was, the town that they were going through lay many, many cold, wet, hungry miles to the northwest through a virtually uncharted, unmapped maze of swamps, rivers and forests.

Historians tell us, had they succeeded in the attack on Quebec, that in all likelihood, of course barring any unforeseen events that occurred later in the war, in all likelihood Quebec would be part of the USA today.

Back in June, I wrote a song about this expedition and this morning, with the help of drummer John Holmes, I would like to sing you that song. It is called the Walls of Quebec. I would like to dedicate it to all of you this morning and also to those men who went on this expedition and to their memory.

Thereupon, Mr. Eric Wight, accompanied by John Holmes, sang the Bicentennial Song. (Prolonged applause)

Mrs. Kelley of Machias presented the following Joint Resolution and moved its adoption:

Joint Resolution In Observance Of The Bicentennial Of The First Naval Engagement Of The American Revolution

WHEREAS, on June 12, 1775, angry settlers at Machias, Maine, with pitchforks, fowling pieces and sickles, attacked and captured His Royal Britannic Majesty's Schooner *Margaretta*; and

WHEREAS, this event was the first naval battle between the American colonists and an armed British vessel during the War for Independence; and

WHEREAS, the news of the victory traveled rapidly and boosted the morale of Americans when they were about to challenge the world's greatest naval power; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature on behalf of the People of Maine and our Nation of States take this opportunity to honor the proud history and heritage of this event and through appropriate celebrations in communities throughout the State join

constituents in rededicating ourselves to the blessings of freedom for which this battle was fought two hundred years ago; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to the National and State Bicentennial Commissions for the purpose of calling this important event to the attention of all citizens.

The Resolution was read and adopted.

Mrs. Boudreau of Portland presented the following Joint Resolution and moved its adoption:

JOINT RESOLUTION IN OBSERVANCE OF THE BICENTENNIAL OF THE BURNING OF FALMOUTH

WHEREAS, a naval expedition was designed and ordered to sail on October 6, 1775 to "chastise," by burning, nine New England towns for embarrassing incidents involving the Royal Navy; and

WHEREAS, the savage and barbaric plan was designed to punish rebels and thereby, hopefully, break their will to resist Britain's colonial policies; and

WHEREAS, on October 18, 1775, Falmouth, a small commercial town nestled near the tip of a narrow, three-mile long peninsula that jutted out into island-dotted Casco Bay, was left in a heap of ashes following an eight-hour bombardment; and

WHEREAS, this unheard of cruelty contributed significantly to the desire for independence and as word spread seemed to effectually unify colonists in opposition to the tyranny of Great Britain; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature now assembled in Special Session in this Bicentennial Year, on behalf of the citizens of the State of Maine, take this opportunity to join the townspeople of Falmouth and their descendants in rededicating ourselves to this tragic historic event and like those patriots of the past, unify in appropriate recognition of that cherished principle of freedom so often taken for granted; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to the National and State Bicentennial Commissions for the purpose of calling this important event to the attention of all citizens.

The Resolution was read and adopted.

Senator Katz of Kennebec presented the following Joint Resolution and moved its adoption:

JOINT RESOLUTION IN OBSERVANCE OF THE BICENTENNIAL OF COLONEL BENEDICT ARNOLD'S MARCH TO QUEBEC

WHEREAS, a small army of 1100 patriots inspired and fired with love of liberty and their country struggled up this very valley of Kennebec in the fall and winter of 1775; and

WHEREAS, this force led by Colonel Benedict Arnold traveled through some 600 miles of wilderness in 8 weeks in one of the most heart-breaking and most grueling military expeditions of our War for Independence; and

WHEREAS, history records this daring but ill-fated attempt to wrest Quebec from the British as a campaign without parallel in the American Revolution; now, therefore, be it

RESOLVED: That We, the Members of



the 107th Legislature, now assembled in Special Session in this Bicentennial Year, on behalf of the People of Maine, recognize and commemorate in appropriate ceremony at this time the anniversary of this great historic event and in doing so, pause to reflect and to rededicate ourselves, like those patriots of the past who marched to Quebec so long ago, to the cause of liberty which led to the founding of our great nation; and be it further

**RESOLVED:** That suitable copies of this Joint Resolution be prepared and transmitted forthwith by the Secretary of State to the National and State Bicentennial Commissions for the purpose of calling this important event to the attention of all citizens.

The Resolution was read and adopted.

Mr. PRESIDENT: The Secretary will now read the roll call of the Bicentennial Communities.

#### Officially Recognized Maine Bicentennial Communities

Alfred, Alna, Appleton, Arrowsic, Athens, Auburn, Augusta, Bangor, Bar Harbor, Bath, Beals, Belfast, Bethel, Biddeford, Bingham, Boothbay, Bradley, Bremen, Brewer, Bridgton, Bristol, Brooksville, Brunswick, Burlington, Columbia, Columbia Falls, Canton, Camden, Caratunk, Carroll Plantation, Caribou, Clinton, Concord, Corinna, Cornish, Dallas Plantation, Dexter, Dixfield, Dixmont, Dover-Foxcroft, Dresden, Eagle Lake, East Machias, East Millinocket, Eddington, Ellsworth, Enfield, Fairfield, Falmouth, Farmington, Fort Fairfield, Fort Kent, Frankfort, Franklin, Freeport, Fryeburg, Gardiner, Georgetown, Gorham, Greenville, Hampden, Hancock, Harpswell, Hartland, Hiram, Holden, Hollis, Houlton, Howland, Island Falls, Jackman, Jay, Jefferson, Jonesboro, Jonesport, Kennebunk, Kennebunkport, Kittery, Lee, Lewiston, Limerick, Limestone, Lincoln, Litchfield, Livermore, Livermore Falls, Lowell, Lubec, Machias, Machiasport, Madawaska, Manchester, Marshfield, Mars Hill, Mexico, Milford, Millinocket, Monmouth, Monson, Moose River, Morrill, Moscow, Mount Vernon, Naples, New Gloucester, Newport, New Portland, Nobleboro, Norridgewock, North Berwick, North Haven, Oakland, Ogunquit, Old Orchard, Old Town, Orono, Orrington, Otisfield, Owls Head, Palermo, Paris, Penobscot, Phippsburg, Pittsfield, Pleasant Ridge, Plymouth, Portland, Presque Isle, Rangeley, Rangeley Plantation, Readfield, Rockland, Rumford, Saco, Sandy River Plantation, Sanford, Scarborough, Searsport, Searsport, Sebago, Sedgwick, Skowhegan, Solon, Somerville, Sorrento, South Berwick, South Paris, Southport, South Portland, Standish, Stetson, Steuben, St. Albans, St. Francis, Stockton Springs, Stoneham, Sullivan, The Forks, Thomaston, Topsham, Union, Unity, Van Buren, Vassalboro (North & East), Veazie, Vienna, Vinalhaven, Waldoboro, Warren, Washington, Waterboro, Waterville, Wells, Wets Bath, Westbrook, West Forks, Whitefield, Whiting, Whitneyville, Windham, Winslow, Winterport, Winthrop, Wiscasset, Woodland, Woolwich, Yarmouth, York. (Applause)

The CHAIRMAN: The Chair is very pleased now to introduce to the Convention Dr. Ronald F. Banks, Chairman of the Maine Bicentennial Commission.

Dr. BANKS: Your Excellencies, Governor Longley, Chief Justice Duffresne, Speaker Martin, President Sewall and Members of the Legislature and Distinguished Guests: It is a distinct personal privilege for me, on behalf of the Maine State Revolution Bicentennial Commission, to express our sincere appreciation for this opportunity to honor our Country's bicentennial heritage with you here today.

In case you may have forgotten, the Bicentennial Commission was created by this distinguished body in 1971. I would especially like to express our appreciation to this legislature, recognizing the significant work and contributions of the private groups and local communities throughout this great State that have given so much of their time, money and just plain hard work. These people have contributed an enormous amount of work to the State of Maine and its commemoration and through their efforts we are pleased and honored to believe that the bicentennial commemoration is going very well in the State.

A moment ago, three distinguished members of the Senate and the House introduced copies of Joint Resolutions to recognize three major bicentennial events that have already taken place in this State, mostly in the year 1975, and we felt that it was particularly appropriate, without the least intention of slighting the magnificent work done by hundreds of people in other communities, to single out these three projects and the individuals who are representing them today for special recognition.

First, to Mrs. Arlene Crane of Machias, representing the Washington County Bicentennial Committee, this Joint Resolution is presented to you, Mrs. Crane, on behalf of your fellow downeasterners in appreciation for your hard work in commemorating last June the first naval engagement of the Revolutionary War in all of the 13 Colonies, the famed battle between the Unity and the Margaretta.

Thereupon, a copy of the Joint Resolution commemorating the first naval engagement of the American Revolution was presented to Mrs. Crane. (Applause)

Next, to Mr. Wight Nichols of Wiscasset and Colonel Thornton McClammery, representing the Arnold Expedition Society, whose responsibility it was to organize and implement the great reenactment of Arnold's march to Quebec last October. Not many people realize this, but this reenactment was the greatest single reenactment of an historical nature that has taken place in any state of the United States throughout this bicentennial era, and I can't think of two men who deserve the thanks, the genuine thanks of all of the people of the State of Maine for their extraordinary leadership efforts on behalf of this expedition than these two gentlemen right here.

Thereupon, a copy of the Joint Resolution commemorating the Benedict Arnold March to Quebec was presented to Mr. Nichols and Colonel McClammery. (Applause)

Last, but certainly not least, to Dr. William McVane, Chairman of the Portland, Maine, Bicentennial Committee, this Joint Resolution is presented to your organization for its program of commemoration of the burning of Falmouth in October of 1775, a distressful and despicable act of retribution on the part of the British upon this town almost a year before the actual Declaration of Independence.

It isn't in the script, but I feel compelled to point out a little known event that occurred — Dr. McVane. I am sure you realize this, but I don't think too many people in Maine do, and there is no reason they should — in 1978, two years from now, we will be celebrating the 200th anniversary of one of the most important events associated with the American Revolution. As you know, the French came to our assistance at that time. Frankly, we were losing the war and most historians think we would have lost the war without the help of the French. We waited with baited breath for two years hoping that this assistance would come through, and when the French made their decision to come to our assistance, the news was brought from France to America and the first indication of it was brought into the Port of Falmouth, which is now Portland, Maine. That, I think, is an event that is often overlooked. And again, parenthetically, I might mention that I believe, if everything can be worked out, that the distinguished Ambassador of the French Republic will be making a visit to the State of Maine in April or May of this year to honor this particular event.

So, Dr. McVane, I am very pleased to present this Resolution to you on behalf of the Commission and in recognition of your committee's work.

Thereupon, Dr. McVane was presented with a copy of the Joint Resolution commemorating the burning of Falmouth. (Applause)

Finally, I should like to thank each and every one of you for your support of the Bicentennial Era in Maine. It is through personal contributions such as many of you have made that the Bicentennial in Maine will leave many lasting effects, perpetuation of many lasting values, for the people of this state. It is without doubt the single-most important, and in terms of scope, the greatest commemoration that this country has ever seen in all of its 200 years.

I have an announcement before closing. I have been asked to announce that the fourth event, we have recognized three here this morning, the 200th anniversary of which occurs in 1979, recognizing the Penobscot Expedition, perhaps I should say fiasco, that took to the bottom of the Penobscot River some 40 vessels in the greatest naval disaster of the American Revolution, will be commemorated, if you can commemorate such an event, in 1979.

The State Museum has for several months, if not years, been attempting to develop exhibits to visualize what the essence of all of that meant, and on the first floor of the Capitol building today is a marvelous exhibit devoted to that event, and you certainly are all invited to stop by and look at it.

I thank the Legislature with all my heart and, as I say, with profound appreciation for this opportunity which I know comes at a critical time in your deliberations. Thank you very much. (Applause, the Audience rising)

The CHAIRMAN: Thank you very much, Dr. Banks. If I might be permitted a very brief bit of levity, I must respond to the good Doctor's remarks about the disaster on the Penobscot. I would like to point out, as I introduce our next speaker, that she is one of the good things that has happened on the Penobscot, since she was born in Old Town and we sent her down here to help the lower Kennebec.

I would like to introduce Mrs. Donna T. Mundy, Director of the Maine Bicentennial Commission.

Mrs. MUNDY: You can tell he is the Senator from my home town. Today, it is my pleasure, as the Director of the Bicentennial Commission, to give out two gifts to some of the people here who have been so helpful to us in getting our program off the ground and implemented. We are in full swing now, as you may well know, as many of you have been called upon in your community to help out. So, today it is my pleasure to present these gifts to you.

First of all, to the good Chief Justice who came to be with us this morning, I would like to present to him, on behalf of the Maine Bicentennial Commission, a pewter stein that has the Logo coin affixed to it. (Applause)

For our Governor, who has taken time out of his very busy schedule today, we also have a stein for him and we have a little gift for his wife, also. This is the coin which is on a chain, so she can wear the Logo and on the other side, the Seal of the State of Maine. (Applause)

Next, the other gentleman from Penobscot, Senator Sewall, President of the Senate, we have something for you. (Applause)

The gentleman from Aroostook County, Speaker of the House, John Martin from Eagle Lake. (Applause)

This is kind of a surprise. Dr. Banks has put in a lot of long hours as Chairman of the Bicentennial Commission. I have put in some long hours, but I get paid for it; he doesn't. As a special surprise, the Commission would like to give to him, also, a token of our appreciation for what he has done with the Commission and with a lot of the programs in the communities. (Applause)

Last, but not least, I have one more. I regret that the fog this morning held up Air New England out of Boston and our Regional Coordinator was unable to make it here to Maine, but one of the big focuses of the Bicentennial has today involved young people in the programs in the communities. We have with us today the Ashland Band. These kids travelled I don't know how many hundreds of miles down here. Not only did they travel, but they also worked very hard to raise the money to pay their own way here, and we think it is kind of special that they came all the way from Ashland, Maine to be a part of the Bicentennial Committee program. So the Regional Coordinator in Boston, because of the young people being involved, has granted a Bicentennial flag to be flown over their school in Ashland, Maine. I understand a young lady by the name of Miss Cyr has been chosen to represent the band to receive the flag to go back to Ashland, Maine.

Thereupon, Miss Charlene Cyr was presented with the Bicentennial Flag. (Applause)

The CHAIRMAN: I am now pleased to introduce the Speaker of the Maine House of Representatives, John L. Martin.

Mr. MARTIN: Governor Longley, Chief Justice Dufresne, President Sewall, Members of the Executive Council, Mrs. Mundy, Dr. Banks, Fellow Legislators and Honored Guests, particularly the Ashland Band: I must comment very briefly before I begin my remarks and say to Dr. Banks that we, at least a certain portion of Maine's heritage, always believed that the French saved the state and the country.

Today, we are gathered to honor our nation's two hundredth birthday. When the events which we are now celebrating took place, Maine made up a part of the back

country of Massachusetts, a position which did not equate the interests of most of the individuals and inhabitants with those of the Boston merchant class.

These back country people occupied settlements that stretched in a wide arc from Maine to the Georgia frontier. The back country colonists were the heart and soul of a new American liberalism. Their interests were not tied economically to the imperial British system as were those of Boston merchants or southern tidewater planters.

By 1775, the year of crisis, these back country people allied with their city counterparts and under the skillful manipulation of Sam Adams and his fellow radicals had pushed the Colonial establishment toward revolution and eventual independence.

The Revolution destroyed the ruling Tory establishment, epitomized by men like Thomas Hutchinson, Royal Governor of Massachusetts. Hutchinson and his peers had prospered under the status quo and others would prosper as well if they were equally honest and diligent. So Hutchinson went his factless, unintelligent way, attacking every liberal tendency of the times, and hating everyone who gave him trouble.

It was in opposition to this philosophy that radicals like Sam Adams and Tom Paine orchestrated the Revolution. Adams rebelled against every ambition of the ruling order and hated every sort of aristocratic privilege. Privilege had to be swept away and a new democratic order must emerge in its place.

In pursuit of his goal, Adams daily counseled treason and made rebellion his chief occupation. He was not frightened into conformity by the stigma attached to being a rebel but remained an outstanding example in his day of the militant idealist to whom causing unrest was a matter of principle.

No cause goes forward without its leaders, and democratic America owes Samuel Adams a debt which it has all too frequently failed to acknowledge.

The people were the mass of men, that multitude of homespun folk who had always before been mere pawns in the political game.

Adams once said, "Mankind has entered into political societies for the sake of restoring equality and I am apt to think that the government which admits equality to the greatest degree is the best government."

Tom Paine, took Adam's philosophy one step further. Paine developed a very modern and provocative theory that was quite different from the sacred right of private property which history tells us the Founding Fathers cherished above all else.

"Personal property," said Paine, "is the effect of society and it is as impossible for an individual to acquire personal property without the aid of society as it is for him to create land originally."

"All accumulation of personal property beyond what a man's own hands produce, is derived to him by living in society and he owes on every principle of justice, of gratitude and of civilization a part of that accumulation back to the society from whence it came."

Doesn't it seem strange that two of the most influential political thinkers and leaders of the American Revolution are rarely mentioned among the Founding Fathers of our country? Not so strange when you realize, I suppose, that these

men placed equality and freedom above the right to acquire unlimited wealth at the expense of society as a whole.

It wasn't until six years after the close of the Revolution that the men we now honor as the founding fathers redressed the balance in favor of property in the Constitutional Convention.

One of course, might logically conclude that Adams and Paine lost the battle for historical immortality to Washington and Jefferson, but the positions they stood for and the values they believed in are still very much with us and our Constitution.

Equality and freedom can not be separated from economics any more in our day than they could in 1775.

Today more than ever, the concentration of wealth and power in the hands of fewer people and larger corporations threatens that delicate balance that Democracy requires.

To me, the views of Sam Adams and Tom Paine are especially significant for these complex and somewhat confusing times in which we celebrate our nation's bicentennial.

With the beliefs in liberalism that is at the present time under attack by those who appeal to history and the founding fathers to justify the social, political, and economic imbalances in our society, I am comforted by the knowledge that I as well as others can trace the roots of my political beliefs to the founding fathers.

An appeal to history of course can be tailored by the writer, depending on the sources he chooses to quote and the person he chooses to believe in.

One thing, however, is certain. The ideas of Adams and Paine is as living and vital part of our national heritage as that of Alexander Hamilton and the economic views of Adam Smith.

Since the beginning of our republic government has constantly intervened in our lives to the benefit of some and the detriment of others.

We as the elected representatives of the people must always be aware that whatever we do in the people's name benefits some people more than others.

As long as man exists in civilized society, he must have a method of governing that society. Even no action on the part of government has the effect of benefitting one group more than another.

In making our decisions, we can, in my opinion, take no better advice than that offered by Sam Adams: "That the government which provides equality to the greatest degree is the best government." That, I believe, is what our role in today's society ought to be. (Applause).

#### In the House

The House was called to order by the Speaker.

#### Consent Calendar

##### First Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the First Day:

(H. P. 1928) (L. D. 2115) Bill "An Act Increasing Borrowing Capacity of Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill, Oakfield and Smyrna" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-929)

No objection being noted, the above items was ordered to appear on the

Consent Calendar of February 27, under listing of the Second Day.

(H. P. 1937) (L. D. 2125) Bill "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-931)

On request of Mrs. Boudreau of Portland, the Bill was removed from the Consent Calendar.

Thereupon, the Committee Report was accepted and the Bill read once. Committee Amendment "A" (H-931) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**Consent Calendar  
Second Day**

In accordance with House Rule 49-A, the following items were ordered to appear on the Consent Calendar for the Second Day:

(H. P. 1945) (L. D. 2131) Bill "An Act Prohibiting the Use of Seine or Gill Nets on a Certain Portion of the Union River" (C. "A" H-927)

(H. P. 1838) (L. D. 2003) Bill "An Act Creating the Winter Harbor Utilities District" (Emergency) (C. "A" H-928)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed as amended and sent up for concurrence.

**Passed to Be Engrossed  
Amended Bill**

Bill "An Act Concerning Certain Financial Guarantees to be Made to Pine Tree Sugar Beet Growers, Inc., by the Maine Guarantee Authority" (Emergency) (H. P. 1861) (L. D. 2032) (C. "A" H-933)

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

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that this bill, if we give it its second reading today and pass it to be engrossed, it will go to the Senate and I have been assured that this will not be back on our calendar for final enactment until Monday.

I think most of my questions about this have been answered. I still have reservations and want to look into it more, as many of you do, but because of the time and the hearings coming up at one thirty, I think it would be safe to let it go to the Senate for its two readings and then we can take action and debate it when it is back here Monday for final enactment, if the House would be willing to go along with that.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I will try not to take too long, but I would like to talk about this particular bill today for a few minutes.

I would like to go along with the bill and its amendment. I know that Representative Garsoe particularly has worked hard on the amendment and most definitely limited the triggering factor

regarding the State of Maine's entrance into once more guaranteeing the loans of the Aroostook sugar beet refinery. In other words, only if Freddie Vahlsing wins his suit against the state and only if Vahlsing actually pays \$1.8 million in hard cash to the state would the State of Maine be obligated to pay up to one million dollars, guaranteeing the loans made strictly for the purpose of putting the sugar beet refinery in the necessary shape to operate.

Proponents of this bill and its amendment, argue that the state would not be sinking any new state revenues into the refinery under any circumstances and this appears to be true, but I cannot go along with this bill or its amendment. I truly hesitate to say this, knowing how much the people of Aroostook County are counting on this bill, knowing that Patzenhofer may not want to invest any money other than \$100,000 they have already sunk if this bill fails, and I realize how desperately Aroostook County is seeking a second profitable crop, and I am so sorry to have to vote against the very legitimate concerns of my friends from Aroostook, Armand LaBlanc, Tom Albert, John, and Mike Carpenter and the others, but in the rebellious spirit of the American Revolutionaries of 200 years ago such as John Adams, I will oppose my friends and colleagues.

After the State of Maine has already sunk and lost \$10 million in the refinery, I cannot in good conscience vote to allow our state to become further involved in any way in underwriting a proposed sugar beet refinery. I understand the concept that the State of Maine would not lose any further money under this bill, only if Freddie wins the suit and actually pays the state would we have to fork over that same \$1.8 million to Triple A. But if the one in the one thousand chance of Vahlsing winning comes true and if Freddie Vahlsing actually did pay the State of Maine \$1.8 million, the MGA would be out \$1.8 million less than now unless we pass this bill. In other words, if Vahlsing did pay that \$1.8 million to claim title, that would go towards the State of Maine and we would keep this money which would offset our previous losses. In addition, he would receive title and we could in no way receive any further money from the refinery as far as the value of the property, scrap metal or whatever.

The sugar beet refinery has already cost us our Triple A bond rating in my mind. It has already cost us more in higher interest rates we must continually pay under lower bond rating.

I realize that possible jobs are at stake if Patzenhofer backs off in the event we don't pass this bill. In here, jobs and civil liberties are my primary concerns. I have campaigned on these issues and will continue to do so. They are the important issues of the day, as far as I am concerned; yet, I have seen or heard nothing at all which convinces me that the sugar refinery could actually be profitable. I hear negative estimates of the present and future of the sugar market, regardless of how easily sugar beets can be grown throughout the state.

The MGA holds the first mortgage on the refinery if Triple A is determined to hold title and the MGA mortgage is \$1.6 million. This was a loan, a note, payable which Triple A has to pay. The second mortgage is held by the Northern National Bank of Presque Isle, which loaned \$330,000 to the Farmers Cooperative. The state would be the third mortgage holder under this bill.

An excellent question and answer session was held at 3:00 p.m. yesterday afternoon and a lot of questions were answered. I did learn that the Farmers Cooperative, Pine Tree, has already invested \$330,000 in the refinery that they have borrowed, including a \$200,000 payment directly to the MGA. I also learned that ACLI and Patzenhofer have so far invested only \$100,000 of their own money and are asking for future guaranteed expenditures in the event that Vahlsing wins and pays the \$1.8 million for title to the refinery. ACLI and Patzenhofer expect a 30 percent ownership each, with the Farmer's Cooperative maintaining a 40 percent ownership.

I haven't heard a valuation of the land and scrap metal, as I mentioned, the Farmer's Cooperative, Pine Tree, has so far invested \$330,000, but there hasn't been anything said that would lead me to believe that the land itself, plus the scrap metal, isn't worth a lot more than that \$330,000 plus the \$1.6 million loan that they have taken out from the MGA.

I did just find out that there was an appraisal made of the land in 1973 from Desmond, Childs and Adams. I understand they are a reliable Portland appraisal firm — please correct me if I am incorrect on anything — and in 1973, Desmond, Childs and Adams appraised the sugar refinery at \$2,580,000, if it were to be used as a sugar refinery or an alternate use of at least \$1,058,000. So I really don't think that the Farmer's Cooperative is out that much money, since they only have a \$330,000 loan out so far.

Also, can someone assure me that the refinery will be a profitable venture eventually. I hate to sound like a pessimist and I hate particularly to doubt the future of a proposed major industry for Aroostook County, but I sincerely question the future of the sugar beet industry with this refinery.

I hope the rest of you do not have the lingering doubts that I do about this bill, so I hope you can go along with it but I cannot with all the questions still occurring to me as I try to evaluate all the unintended and intended consequences of this bill. Just because of these lingering doubts regarding further state involvement in the financial affairs of the sugar beet refinery, I, at this time, must oppose this bill, and I would request a vote.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I attended that session yesterday afternoon and I knew pretty much what this bill did. I have said previously we investigated Vahlsing for two years, we investigated the MIBA for two years and I was fortunate to serve under President Sewall when he was chairman of those two committees.

The gentlelady from Waterville, Mrs. Kany, was confused yesterday; she is even more confused today. I thought I had made it quite clear yesterday what basically happens and I will try to put it in layman's language for you.

If you disregard the fact that the beet growers are hooked up with 30 percent with a fellow from Austria and 30 percent with some outfit that is going to be distributing the product, we could boil it down to the state, Vahlsing, and the farmers. The farmers and Vahlsing and everyone concerned said that they were going to pay, or whoever got it, was going to pay \$1.8 million for that sugar beet



plant, so that figure is fixed. It is not \$3.6 million, as some people thought yesterday; it is \$1.8 million. Some people were using the \$1.8 twice. We are talking about \$1.8 million.

Everything hinges on this lawsuit. The people from Austria are willing to spend in excess of \$2.5 million to put that plant in operating condition. They are willing to spend some of their own money in there; they are not willing to bear the full burden.

What they have said is basically this. If the farmers win the lawsuit, they will turn over to the state a total amount of \$1.8 million. They have already paid in \$200,000. The state would get \$1.8 million. If Vahlsing wins the law suit, the farmers would get back their \$200,000, Vahlsing would pay the state \$1.8 million; the residue up to \$1.8 million dollars would go back to this Austrian firm, if they have done over \$1.8 million worth of work in that mill.

What it boils down to, if the farmers win this thing, the state gets \$1.8 million, the farmers get the mill and then they subdivide it with their people. If Vahlsing wins the lawsuit and we pass this bill, Vahlsing gets the mill and the State of Maine passes on the \$1.8 million that Vahlsing would pay the state, so the state would have zero and Vahlsing would have the mill. If the farmers win, the state has \$1.8 million and the farmers have the mill and we have a viable industry. Even if Vahlsing wins the suit, we are not sure there is going to be a viable industry up there. We are quite concerned that nobody will deal again with Mr. Vahlsing.

Mrs. Kany from Waterville pointed out that this is again an Aroostook County thing and our committee heard testimony from people from more than Aroostook County when we discussed this thing previously and it might be interesting to know that the person who grew the best sugar beets of anybody lived along the Sandy River down in Farmington.

I asked Mr. Mahany if he would dig out for me those areas that are outside of Aroostook County that have got people under contract to grow beets, and some of you may be interested to know that it includes, Corinna, Dover-Foxcroft, East Corinna, Exeter, Newport, Norridgewock, Danforth, Skowhegan, Farmington, Fryeburg, New Sharon and Cornville and some of those places are close enough to my particular area that I can support this bill.

In the long run, the State of Maine will be charged absolutely zero for this thing. We stand to make \$1.8 million out of what we have there now and if Vahlsing wins and we pass the money on, we will make zero. We will have lost the mill but it will not cost us any money out of pocket.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that our Assistant Floor Leader, the gentledady from Portland, Mrs. Najarian, had no motive whatever when she asked that this thing go over to the Senate.

Now, we have heard that time is of an essence as far as this measure is concerned. I am not going to debate the why's and wherefore's of the measure at all, but I would urge you very much — yesterday, our Speaker, away from his seat, suggested the same thing I suggested, that we accept the report and then we could save some time. Her method is to save time. This thing is coming back to us and what is debated now will be debated all over again.

We do have hearings, it is twenty-five minutes to one, some of us might like to have at least a peanut-butter nab before we go into hearings. What would be wrong with accepting her suggestion instead of being repetitious later on, on Monday or Tuesday, what is wrong with just letting the bill go into the Senate, let them give it its first reading and engross it and it is coming back to us anyway and we can either pass it or not pass it but we can, at least, do one thing if we stop debate on it now and instead of wasting an hour, when it is coming back anyway, we can save time. I would urge you now to go along with the Speaker in sending this bill along its way to the Senate. It is coming back to us; we can debate it just as long as we want to when it comes back without being repetitious.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I had asked for a vote and I wish to stand and be corrected. I spent a good deal of time on this last evening when I talked with some accountants and bankers about this, so I do not believe that I am incorrect when I make the statement that if we do not pass this bill with its amendment, the State of Maine could be ahead \$1.8 million if Freddie Vahlsing won the suit and actually paid that money for title to the State of Maine. If you can find out any other errors or confusion, please point them out to me, because I really like to go on record as giving accurate information and I do not know of any area in which I am confused or need to stand to be corrected, but please correct me on each individual item if I made an error.

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

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I had great reservations yesterday about this, at the time of the session, but during the informational session yesterday afternoon, I learned some facts and I now am willing to go along with this proposal. I hope you will vote to engross it and send it to the other body.

Nordic, which is presently operated by Vahlsing will have to pay \$1.8 million to the Maine Guarantee Authority if in fact Nordic wins its case in court. So \$1.8 million will be coming to the Guarantee Authority and it seems to me that this would offset the exposure that is being proposed in this L.D. of \$1.8 million. The only part that I see that still might be the state's obligation is, at the worst, is to reimburse the farmers and their associates \$200,000. I feel that under the so-called unjust enrichment doctrine that we spoke of yesterday, that Nordic should not be entitled to an unjust enrichment for repairs made after it acquires the property.

You know, this sugar beet business is a very important second crop not only to Aroostook County but down in Franklin County, over in Oxford County. We in Maine have done a lot over a year to try to get a second crop here in Maine and I think this will help. Time is of the essence so that planting can take place this spring and I hope that you will vote to pass this to be engrossed.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I agree with the gentleman from Lewiston, Mr. Jalbert, but I have some knowledge of

this and would like to say a lot but I am going to be very brief.

I, too, would like to see it passed and sent to the other body. I come from Penobscot County and I have a lot of people who successfully raise sugar beets in the area and they asked me to support the bill and I am going to do it. I think it is a good venture. I am not known as one of the more liberal people in this House. My conservative philosophy tells me this like you spend a dollar and you get several back. And for this reason alone, I would support the bill anyway. I think it is a good gesture and I think it should pass and we should stop debating it and get it going on its way.

The SPEAKER: The Chair recognizes the gentlewoman from Millinocket, Mrs. Laverty.

Mrs. LAVERTY: Mr. Speaker, Ladies and Gentlemen of the House: I have just two things to say. At the present time, our Governor is stressing new industry in the State of Maine. This is wishful thinking. We all hope that it will come, but in Aroostook County at this moment, we have a potential that is here and now. This beet industry needs to progress and we need to help it.

We saw revolutionary ideas in the spirit of Maine this morning. If the farmers in Aroostook have the spirit to stick with this project, we certainly have got the courage to back them.

The SPEAKER: A vote has been requested. The pending question is on passage to be engrossed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Berry of Buxton 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 engrossed. All in favor of this Bill being passed to be engrossed as amended will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Carey, Carpenter, Carter, Churchill, Clark, Connors, Cooney, Cox, Curran, R.; Davies, DeVane, Doak, Drigotas, Dudley, Dyer, Farley, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hunter, Hutchings, Immonen, Inegneri, Jackson, Jacques, Jalbert, Joyce, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBearity, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Strout, Susi, Talbot, Teague, Theriault, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship, The Speaker.

NAY — Ault, Berry, P. P.; Byers, Call, Chonko, Connolly, Cote, Curran, P.; Dam, Durgin, Farnham, Faucher, Gray,

Hughes, Kany, Kelleher, Laffin, LaPointe, MacEachern, McMahan, Pelosi, Perkins, S.; Peterson, T.; Shute, Silverman, Snowe, Sprowl, Stubbs, Tarr, Tierney, Truman, Tyndale.

ABSENT — Carroll, Curtis, Dow, Gauthier, Jensen, Mulkern, Spencer.

Yes, 112; No, 32; Absent, 7.

The SPEAKER: One hundred twelve having voted in the affirmative and thirty-two in the negative, with seven being absent, the motion does prevail.

Sent up for concurrence.

#### Finally Passed Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution Allowing the Governor Ten Days to Act on Legislation (H. P. 1970) (L. D. 2159) (H. "A" H-926)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 125 voted in favor of same and 13 against and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Increase the Number of Trustees of Nasson College (H. P. 1852) (L. D. 2021)

An Act to Revise Definition of "Case" under Sardine Tax Law (H. P. 1971) (L. D. 2160)

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.

#### House at Ease

Called to order by the Speaker.

#### Orders of the Day

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

An Act to Make Necessary Revisions in the Income Tax Law for School Funding Purposes (H. P. 2112) (L. D. 2264)

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

Mr. Finemore of Bridgewater 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 before the House is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, G. W.; Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carpenter, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farley, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hinds, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Joyce, Kany, Kelleher, Kelley, Kennedy,

Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McKernan, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Spencer, Sprowl, Stubbs, Susi, Talbot, Teague, Theriault, Tierney, Usher, Wagner, Wilfong, Winship, The Speaker.

NAY — Berry, P. P.; Berube, Birt, Call, Carey, Churchill, Connors, Cote, Dam, DeVane, Dudley, Durgin, Dyer, Farnham, Faucher, Finemore, Gould, Hewes, Higgins, Hunter, Jackson, Jacques, Jalbert, Kauffman, Lewis, Lizotte, Lovell, MacLeod, McBreairty, McMahan, Perkins, S.; Perkins, T.; Pierce, Raymond, Shute, Silverman, Snowe, Strout, Tarr, Torrey, Tozier, Truman, Twitchell, Tyndale, Walker, Webber.

ABSENT — Albert, Ault, Carroll, Curtis, Gauthier, Jensen, Mills, Mulkern.

Yes, 97; No, 46; Absent, 8.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-six in the negative, with eight being absent, the motion does not prevail.

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

Mr. CAREY: Mr. Speaker, having voted on the prevailing side, I would move for reconsideration. We have been proceeding at a fairly rapid pace with this particular bill and I have an amendment which could be offered to it that may be able to solve some of the dilemmas here, and while it would create a hardship on those people who will be paying a tax, it would be only a temporary hardship for some 90 days, until the session adjourns, rather than for the entire year. Therefore, basically my amendment would be to strip the emergency off this thing if I could get enough support for reconsideration.

It is floating around here someplace, and I will check on it if we can get it reconsidered.

Thereupon, the House reconsidered its action whereby the Bill failed of passage to be enacted.

Mr. Finemore of Bridgewater 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 Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, so that I don't mislead anyone, after I made my remarks in reference to an amendment and the leadership decided to meet, I think the people in this House should be made well aware that it was the judgment of the leadership that they would then try to rerun this bill to get the necessary 101 votes, and the amendment that I am referring to, if we are not able to come up with the necessary two thirds here, can easily be handled in the other body.

I do not want to be left out on the hook for leadership or anybody else. That amendment was primarily to be offered by myself, after consultations last night with the Speaker, to be able to save the bill so that we don't overtax the people of the State of Maine until the 31st of December.

If anything, they would only have been overtaxed for 90 days after we adjourned. That was the spirit in which the amendment was to be offered, and if we cannot reach the 101 votes today, that amendment, obviously, will be coming back from somebody or other.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support this bill. I see it, and I am very sincere in this, as a mechanical bill which corrects the problem which the main bill has, and if we don't do it, we will be working a real hardship on those who have withholding taxes collected as of July 1: I sincerely hope that you will take this step here to correct that mechanical error.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: The way I see it, I would ask those who have been against it to hold firm and deny the vote for passage, because it is not going to be on our conscience that there has been an error in the tax. It will be on the conscience of those who voted for the original tax measure and not ours.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. Those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, G. W.; Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carter, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curran, R.; Davies, Doak, Dow, Drigotas, Farley, Farnham, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hennessey, Hobbins, Hughes, Hutchings, Immonen, Ingegneri, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Littlefield, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Peterson, P.; Peterson, T.; Post, Powell, Quinn, Rideout, Rolde, Rollins, Saunders, Smith, Snow, Spencer, Sprowl, Stubbs, Susi, Talbot, Teague, Theriault, Tierney, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Berry, P. P.; Berube, Birt, Call, Churchill, Connors, Cote, Dam, DeVane, Dudley, Durgin, Dyer, Faucher, Finemore, Gould, Hewes, Hinds, Hunter, Jackson, Jacques, Jalbert, Kauffman, Lewis, Lizotte, Lovell, MacLeod, McMahan, Perkins, S.; Perkins, T.; Pierce, Raymond, Shute, Silverman, Snowe, Strout, Tarr, Torrey, Tozier, Truman, Twitchell, Tyndale, Webber.

ABSENT — Albert, Ault, Carroll, Curtis, Gauthier, Higgins, Jensen, Mulkern.

Yes, 101; No, 42; Absent, 8.

The SPEAKER: One hundred one having voted in the affirmative and forty-two in the negative, with eight being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.



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

Mr. MacEachern of Lincoln presented the following Joint Order and moved its passage: (H. P. 2119)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Game Warden Eric Wight of Medway the Author of the Song "The Walls of Quebec" Which was Composed in Honor of Our Nation's Bicentennial

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of remarks that I feel I have to make, and that is concerning the bill that we just passed. The record will show that the gentleman from Portland, Representative Mulkern, was not in his seat and will be recorded as absent. Mr. Mulkern did want to be here and he knew that this vote was very important. His wife is sick, she has been, he had no choice but to stay home with her. I would like to have the record show that.

(Off Record Remarks)

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: During the debate on the sugar beet bill, I made a statement off-handed, which is totally uncalled for in this House. It is deserving of an apology. I would extend that apology on the record to the gentlewoman from Waterville, Mrs. Kany, for saying I was getting to be like her. Because theoretically, while we disagree totally in philosophy, I wish I was in fact a little more like her in the way she serves her constituents.

(Off Record Remarks)

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: What Representative Talbot was talking about was the work session for Human Resources. There were only three members of the committee present. I had these people down and we had the Department of Indian Affairs, both on the federal level and the state level. It involves the process of taking a hundred acres of land in the Town of Perry. This is a very, very serious maneuver to be done and I was very disappointed that the members weren't there to hear the evidence as it was presented, because you just don't pick this out of thin air, you have got to hear it to know what it is about.

On motion of Mr. Rolde of York,  
Adjourned until twelve o'clock noon tomorrow.