

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Monday, April 25, 1977

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

Prayer by Mr. Paul Cates of the Friends Meeting House, East Vassalboro.

The members stood at attention during the playing of the National Anthem by the Hall-Dale High School Band of Hallowell.

The journal of the previous session was read and approved.

**Papers from the Senate**

The following Communication:

The Senate of Maine

Augusta

April 22, 1977

Honorable Edwin H. Pert

Clerk of the House

108th Legislature

Augusta, Maine 04333

Dear Clerk Pert,

The Senate voted today to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Establish Maine Writers Week." (H. P. 826) (L. D. 999)

Respectfully,

(Signed) MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

The Senate of Maine

Augusta

April 22, 1977

Honorable Edwin H. Pert

Clerk of the House

108th Legislature

Augusta, Maine 04333

Dear Clerk Pert,

The Senate voted today to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies" (H. P. 158) (L. D. 196).

Respectfully,

(Signed) — MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act to Provide New Car Dealers with a Use Tax Credit" (S. P. 468) (L. D. 1672)

Came from the Senate referred to the Committee on Taxation and ordered printed.

In the House, referred to the Committee on Taxation in concurrence.

**Reports of Committees****Leave to Withdraw**

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on RESOLVE, Permitting the Use of the Name 'Maine' for the Maine Association for Human Genetics (S. P. 195) (L. D. 592)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Relating to Conduct of Examinations" (S. P. 321) (L. D. 1078)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Pertaining to the Central Licensing Division of the Department of Business Regulation" (S. P. 136) (L. D. 377)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Strengthen the State Unemployment Fund" (S. P. 144) (L. D. 385)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Repeal the Habitual Offender Law" (H. P. 325) (L. D. 416) on which the Majority "Ought to Pass" Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed in the House on April 21, 1977.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Judiciary read and accepted in non-concurrence.

In the House:

Mr. Spencer of Standish moved that the House insist.

Mr. Marshall of Millinocket moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Millinocket, Mr. Marshall, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 55 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Spencer of Standish, the House voted to insist.

**Petitions, Bills and Resolves****Requiring Reference**

The following Bills and Resolve were received and referred to the following Committees:

**Business Legislation**

Bill "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts" (H. P. 1464) (Presented by Mrs. Post of Owls Head)

Bill "An Act to Require Home Health Services Insurance Coverage For Elderly Persons to be Provided in All Health Care Policies and Contracts" (H. P. 1465) (Presented by Mrs. Najarian of Portland) (Cosponsor: Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act to Provide for Adult Education for Certain Students under the Provisions of the School Finance Act of 1976" (H. P. 1466) (Presented by Mrs. Mitchell of Vassalboro) (Cosponsor: Mr. Spencer of Standish)

Bill "An Act to Provide a Comprehensive review of Elementary and Secondary Educational Services in the State" (Emergency) (H. P. 1467) (Presented by Mrs. Mitchell of Vassalboro)

(Ordered Printed)

Sent up for concurrence.

**Energy**

Bill "An Act to Encourage Energy Conservation in Maine" (H. P. 1468) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act to Create a Fund for the Development of Health Centers" (H. P. 1469) (Presented by Mrs. Najarian of Portland) (Cosponsors: Mr. Spencer of Standish, Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund" (H. P. 1470) (Presented by Mrs. Najarian of Portland)

Committee on Health and Institutional Services was suggested.

(On motion of Mrs. Najarian of Portland, tabled pending reference and tomorrow assigned.)

**Health and Institutional Services cont'd.**

Bill "An Act to Require the Department of Human Services to License and Make Direct Reimbursements to Freestanding Health Clinics" (H. P. 1471) (Presented by Mrs. Najarian of Portland) (Cosponsors: Mr. Spencer of Standish, Mr. Valentine of York)

Bill "An Act to Revise the Statutes Relating to Services for Mentally Retarded Persons" (H. P. 1472) (Presented by Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act to Establish a Bill of Rights for Mentally Retarded Persons" (H. P. 1473) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mrs. Trafton of Auburn, Mr. Wyman of Pittsfield)

(On motion of Mr. Goodwin of South Portland, tabled pending reference and later today assigned.)

**Judiciary**

Bill "An Act to Encourage Restitution" (H. P. 1474) (Presented by Mr. Shute of Stockton Springs) (Cosponsors: Mr. Drinkwater of Belfast, Mr. Tozier of Unity, Mrs. Hutchings of Lincolnville)

Bill "An Act Relating to Records of a Juvenile Charged with Certain Offenses" (H. P. 1475) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)

Sent up for concurrence.

**State Government**

RESOLVE, to Authorize the Maine Guarantee Authority to Issue A Payment in Lieu of Taxes to the Town of Pittsfield (H. P. 1476) (Presented by Mr. Wyman of Pittsfield) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Bill "An Act to Establish the Maine Tourism Development Corporation" (H. P. 1477) (Presented by Mr. Valentine of York)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act to Relieve Homeowners and Renters from the Burden of the Uniform Property Tax" (H. P. 1478) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Brenerman of Portland, Mr. Higgins of Scarborough, Mr. Diamond of Windham)

Bill "An Act to Provide Property Tax Relief to Maine's Elderly Citizens" (H. P. 1479) (Presented by Mrs. Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

**Orders**

An Expression of Legislative Sentiment (H. P. 1459) recognizing that: Lon F. Povich of Bath is valedictorian of Morse High School Class of 1977 and winner of a United States Senate Youth Program Scholarship.

Presented by Ms. Goodwin of Bath.

Was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1460) recognizing that: Constance Webster, who has long served the Legislature efficiently and cheerfully, retired on April 21, 1977.

Presented by Mr. Lynch of Livermore Falls.

Was read and passed and sent up for concurrence.

### House Reports of Committees Ought Not to Pass

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act to Require the Public Utilities Commission to Conduct a Study of Telephone Rate Structures" (H. P. 882) (L. D. 1082) reporting "Ought Not to Pass"

Mr. Devoe from the Committee on Judiciary on RESOLVE, Authorizing Arthur G. Powers to Sue the State of Maine (H. P. 578) (L. D. 702) reporting "Ought Not to Pass"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Prohibit Prison Furloughs for Persons Convicted of Certain Serious Crimes" (H. P. 872) (L. D. 1065) reporting "Ought Not to Pass"

Mr. Pearson from the Committee on Fisheries and Wildlife on Bill "An Act to Require Completion of a Hunter Safety Course as a Condition of Obtaining a Hunting License" (H. P. 484) (L. D. 604) reporting "Ought Not to Pass"

Mr. Tozier from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Special Agent Commissions for Inland Fisheries and Wildlife Licenses" (H. P. 409) (L. D. 503) reporting "Ought Not to Pass"

Mr. MacEACHERN from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for Nonresident Taxpayer Fishing Licenses" (H. P. 410) (L. D. 504) reporting "Ought Not to Pass"

Mr. MacEACHERN from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Operation of Unregistered Snowmobiles on the Property of the Snowmobile's Owner" (H. P. 586) (L. D. 713) reporting "Ought Not to Pass"

Mr. McKean from the Committee on Fisheries and Wildlife on Bill "An Act to Provide a Special Hunting License Fee for Non-Residents who Pay Property Taxes within the State" (H. P. 695) (L. D. 877) reporting "Ought Not to Pass"

Mr. Flanagan from the Committee on Labor on Bill "An Act to Allow an Employer to Deduct from Wages of His Employees any Merchandise Unaccounted for" (H. P. 711) (L. D. 889) reporting "Ought Not to Pass"

Mr. Laffin from the Committee on Labor on Bill "An Act Relating to Unfair Labor Agreements" (H. P. 637) (L. D. 818) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

### Leave to Withdraw

Mr. Blodgett from the Committee on Natural Resources on Bill "An Act Appropriating Funds for Mosquito Control in York County" (Emergency) (H. P. 916) (L. D. 1112) reporting "Leave to Withdraw"

Mr. Rideout from the Committee on Business Legislation on Bill "An Act Charging the Boiler Owner or Contractors for the Fees for Additional Inspections Required by the Code" (H. P. 989) (L. D. 1200) reporting "Leave to Withdraw"

Mr. Pearson from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for Reduced Fishing License Fees for Nonresidents paying more than \$150 in Property Taxes to a Municipality" (H. P. 622) (L. D. 763) reporting "Leave to Withdraw"

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Smelt Fishing Seasons and Possession Limits" (H. P. 191) (L. D. 253) reporting "Leave to Withdraw"

Mr. Gillis from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for Special Hunting and Fishing License Categories for Nonresidents who Pay \$100 or More in Real Property Taxes in Maine" (H. P. 752) (L. D. 974) reporting "Leave to Withdraw"

Mr. Laffin from the Committee on Labor on Bill "An Act Relating to Defining the Term 'Camp Counselor' Under the Minimum Wage Law" (H. P. 1040) (L. D. 1281) reporting "Leave to Withdraw"

Mr. Bustin from the Committee on Labor on Bill "An Act to Strengthen the States Unemployment Compensation Trust Fund" (H. P. 823) (L. D. 996) reporting "Leave to Withdraw"

Mr. Elias from the Committee on Labor on Bill "An Act to Improve the Seasonality Provision of the Employment Security Law" (H. P. 873) (L. D. 1066) reporting "Leave to Withdraw"

Mr. Dutremble from the Committee on Labor on Bill "An Act to Define Certain Industries as Seasonal Under the Provisions of the Employment Security Law" (H. P. 825) (L. D. 998) reporting "Leave to Withdraw"

Mr. Peltier from the Committee on Labor on Bill "An Act Relating to Defining the Term 'Camp Counselor' under the Minimum Wage Law" (H. P. 636) (L. D. 817) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

### Referred to the Committee on Health and Institutional Services

Mr. Norris from the Committee on Judiciary on Bill "An Act Reinstating Public Intoxication as a Crime" (H. P. 1201) (L. D. 1430) reporting that it be referred to the Committee on Health and Institutional Services.

Mr. Norris from the Committee on Judiciary on Bill "An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol" (H. P. 1122) (L. D. 1340) reporting that it be referred to the Committee on Health and Institutional Services.

Reports were read and accepted, the Bills referred to the Committee on Health and Institutional Services and sent up for concurrence.

### Ought to Pass in New Draft New Draft Printed

Mr. Whittemore from the Committee on Business Legislation on Bill "An Act to Amend the Savings and Loan Association Law" (H. P. 255) (L. D. 324) reporting "Ought to Pass" in New Draft (H. P. 1458) (L. D. 1686)

Mr. Peakes from the Committee on Business Legislation on Bill "An Act Relating to Consumer Education by the Bureau of Consumer Protection" (H. P. 425) (L. D. 520) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide Fees for Consumer Education Materials" (H. P. 1457) (L. D. 1685)

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

### Ought to Pass Pursuant to

#### Joint Order H. P. 138

Mr. Henderson from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1977 (Emergency) (H. P. 1463) (L. D. 1688) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 138)

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to call your attention to the bill before us just to give you an idea of the format and what is to come. This is the first of the county budgets pursuant to tradition as well as that House Paper. But there is a change this year, for those of you who have

been here in the past. In the past, you really couldn't tell what was in each account, it was only plus or minus what the commissioners had originally recommended.

This is a new budget format that I want to call your attention to, as well as the substance in that each county ought to review these again considering the many processes that these have to go through to be sure that they are in order as you would like to see them. They indicate the appropriations for each account, both in terms of the General Funds of the county and also separating out those for revenue sharing funds and also for the anti-recessional assistance funds. The latter two have to be separated by federal mandate.

This gives a clearer picture of just exactly what the counties are authorized to raise and expend than has been available in the past.

Thereupon, the Report was accepted, the Resolve read once and assigned for second reading tomorrow.

### Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to Judicial Review of Public Utilities Commission Decisions" (H. P. 226) (L. D. 290)

Report was signed by the following members:

Messrs. MANGAN of Androscoggin  
COLLINS of Knox  
CURTIS of Penobscot

—of the Senate.

Messrs. NORRIS of Brewer  
TARBELL of Bangor  
Mrs. BYERS of Newcastle  
Messrs. GAUTHIER of Sanford  
DEVOE of Orono

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. HENDERSON of Bangor  
BENNETT of Caribou  
HOBBINS of Saco  
SPENCER of Standish

—of the House.

Reports were read.  
(On motion of Mr. Spencer of Standish, tabled pending acceptance of either Report and specially assigned for Wednesday, April 27.)

### Consent Calendar First Day

(H. P. 772) (L. D. 978) Bill, "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under Municipal Securities Approval Act" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 770) (L. D. 977) Bill, "An Act to Redefine the Boundary Line between the City of Brewer and the Towns of Orrington and Holden" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 402) (L. D. 512) Bill, "An Act Charging the Boiler Owner or Contractors for the Fees for Additional Inspections Required by the Code" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 682) (L. D. 864) Bill, "An Act to Change the Name of the Maine Boxing Commission to the Maine Athletic Commission" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 312) (L. D. 403) Bill, "An Act Relating to a Consumer's Notice of Right to Cure under the Credit Code" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 405) (L. D. 515) Bill, "An Act Relating to Motor Vehicle Sales Financing under the

Maine Consumer Credit Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-188)

(H. P. 97) (L. D. 121) Bill, "An Act to Clarify the Banking Code" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-186)

(H. P. 151) (L. D. 181) Bill, "An Act Relating to the Real Estate Commission's Rulemaking Authority" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-187)

(H. P. 820) (L. D. 993) Bill, "An Act to Revise the Law Pertaining to Guardian Release of a Ward's Interest in Real Estate" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 817) (L. D., 990) Bill, "An Act to Prohibit Hunting and Fishing on Property Belonging to the Unity Utilities District" — Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 702) (L. D. 883) Bill, "An Act Authorizing Use of Subpoena Powers to Enforce Support Obligations" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-192)

(H. P. 1038) (L. D. 1268) Bill, "An Act Concerning the Criminal Penalty for the Crime of Deceptive Business Practices" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-193)

(S. P. 278) (L. D. 891) Bill "An Act to Establish a Sign on the Maine Turnpike Announcing the Moosehead Lake Region" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-83)

(S. P. 212) (L. D. 661) Bill "An Act to Require Minimum Standards for Automotive Fire Apparatus" — Committee on Transportation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 26, under listing of the Second Day.

#### Consent Calendar

##### Second Day

(H. P. 437) (L. D. 544) Bill "An Act to Prohibit the State Lottery Commission from Controlling the Game of Beano"

(S. P. 229) (L. D. 707) Bill "An Act Revising the Maine Business Corporation Act" (C. "A" S-77)

(H. P. 766) (L. D. 959) Bill "An Act to Establish Arbor Week"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence, and the House Papers passed to be engrossed and sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act in Support of Regional Library Systems" (S. P. 462) (L. D. 1585)

Bill "An Act to Authorize the Transfer of All Assets and Liabilities Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District" (H. P. 1450) (L. D. 1679)

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

#### Second Reader

##### Tabled Unassigned

Bill "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls" (H. P. 1047) (L. D. 1258)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.)

#### Second Reader Tabled and Assigned

Bill "An Act to Require Telephone Companies to List the Name of a Customer's Spouse in the Telephone Directory if the Spouse so Chooses" (S. P. 344) (L. D. 1128)

Was reported by the Committee on Bills in the Second Reading and read the second time. (On motion of Mr. Kelleher of Bangor, tabled pending passage to be engrossed and tomorrow assigned.)

#### Amended Bills

Bill "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act" (S. P. 149) (L. D. 391) (S. "A" S-81 to C. "A" S-70)

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: This bill had, I thought, a good discussion the other day, and the vote was certainly conclusive. I had no plans to oppose it again, but I have been approached this morning by more than one member of this body who contends that there is a misunderstanding among some of us as to what the import of this action is, so I just want to call it to your attention once again.

The bill came in to make it mandatory that any individual who found himself in a bargaining unit — now we are talking about state employees — would be required as a matter of statute to make a fee payment, equivalent to the dues in most cases, to the union for having that representation. I would agree that there are a great many arguments that would make this seem to be an understandable and a logical course of events, but those arguments will only hold water if you regard the union representation as the prime value to that individual employee and are ready to turn your back on any reasons that employee may have not to choose to make those payments voluntarily.

The bill now has been watered down, but the intent is still there and I wish you would take a look at that language because that is what it is all about, that is what it is intended to have happen. The only difference now is that this state having twice refused to put this into the law will now make it a negotiable subject. You don't have to take my word for it when I tell you that in the overwhelming majority of cases, an arbitrator is inclined to order this to be put into the contract, and he has final and binding decisions in this area. If you can't accept my word, I suggest you talk to any of your school board members and your council members who have bargained in the public sector and I think you will find that my statement will be backed up that this is pretty much a giving. Once the dispute which can be maintained by either side reaches arbitration, this will go into the contract. You will then find yourself, and this is what you are voting on this morning, are you ready to say that a state employee, to keep his job, must make a payment to a union? It is as simple as that.

The other day we heard my approach attacked as being anti employee. I suggest that this bill is anti employee, it is regarded as one of the chief union security measures there are, and I insist that carried far enough — and no one can charge this against the unions we have in the state today — but carried far enough, it tends to insulate the union, once they have complete control of the financial revenue of that bargaining unit, it tends to insulate the union against the needs that might be expressed by the employees, it tends to make the union slightly less conscious and aware of the need to be seen to be a viable force in the welfare of those employees, because once the majority vote in any unit is achieved, they can care less whether the individuals join the union or not.

I hope that you will give careful consideration as we move this on and, Mr. Speaker, I would ask for a division.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me say that it is very unfair of the gentleman from Cumberland, Mr. Garsoe, to be so articulate this early on a Monday morning. He knows that I don't function as well until afternoon on Monday.

This is the same bill as we debated Friday. It is a right-to-work issue. The gentleman has articulated it very well, except I do not understand his clairvoyant abilities to determine what an arbitrator would do if under the circumstances of negotiation of agency fee the issue did go to impasse. He seems very convinced that any arbitrator would order it into a contract. He very well knows from his experience in negotiating in the public sector that that doesn't happen very often.

Notwithstanding that, I am always amazed in this kind of a debate that those who would not give just cause for a reason for dismissal, or those who would not vote benefits or who negotiate against employees, against their rights, somehow always define their position on right-to-work issues as an advocate of the employee.

Have you heard from any employees? Have they sought the advocacy of the gentleman from Cumberland? Have any of you received one letter about this bill? I suggest probably not. It is the same issue as Friday, let's have the same vote as Friday, let's vote on a roll call, as we did on Friday, and I move the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I do not think that this bill is anti employee, I think there are many employees who want it, and this does not force anyone to join a bargaining agent, an association or a union. If you choose not to join, then I think that you should still pay your share of the collective bargaining costs, and the assessment of the fee equal to the dues is fair and it is not unreasonable.

I once belonged to a bargaining unit which represented 65 employees — bus drivers, cafeteria workers, teacher aides and custodians. Each of these separate groups benefited from the collective bargaining process. They each had different demands at the bargaining table. Members could join our association for \$58 per year. Now, what did these various people receive in return for their \$58? They received someone to represent them at the bargaining table. They received a contract which included their fringe benefits, and they received provisions for filing grievances and a grievance committee to process those complaints.

The association of 65 employees filed three grievances and took them through arbitration. The association at all times represented the aggrieved. The association at all times paid the arbitrator's expenses, and the association won two out of three of the cases, and this directly benefited one half of the employees.

The point is that the employees need the association and the association needs the employee. But I guess what really bothers me is the freeloader, the person who says, I will get my cost of living and I will get my extra sick leave and holiday pay, and I won't have to pay my \$58 to do it, because the law says that the association must represent me whether I pay or whether I don't, and I don't think that is right.

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

Mr. MACKEL: Mr. Speaker, I would, if I may, like to address a question. I know in the Statement of Fact it indicates that the employee would pay his proportionate share of

costs of such representation, and if someone could give me some indication as to what this would amount to and how it would be collected and whether it be in monthly installments or a lump sum or how this would be handled financially, I would appreciate it.

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

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would be happy to answer the gentleman's question as best anyone can at this early point, because agency shop does not currently exist in state law. Because the university unit has not yet negotiated agency shop clauses, we don't have any legal precedent on this point in Maine. I can assure you, however, that there is ample precedent in the private sector under the National Labor Relations Board and in our federal courts which clearly states that any agency fee amount shall certainly not exceed the amount paid by members who are in the union in the amount of union dues. Usually the agency shop fee is less than union dues, and courts would strike down anything which was in excess of that, if that is what the good gentleman is worried about.

To answer the second part of his question, I would assume that it would be collected in the same manner as the union dues were collected.

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

Mr. MORTON: Mr. Speaker, I would like to ask the gentleman from Lisbon Falls another question. If these dues may not exceed union dues, that sounds pretty logical to me. After all, if I am going to belong to an association, I wouldn't think that an agency fee would even equal the union dues. If it equals it, then in essence what is the financial difference between belonging to a union and paying an agency fee?

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

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I might have overemphasized the fact that it shall not exceed the union dues. Again, I am talking here not in regards to state law, I am talking about the federal case law and the precedent which was set in this field, so obviously I can't predict what the Maine Labor Relations Board and what the Maine Courts would decide were this issue to be adjudicated. But as I said, it shall not exceed but it usually has been found to be less than the union dues for the obvious reason that the public policy behind an agency rule is that the agency fee shall be equivalent to the cost of the negotiating. It would not be equivalent to the full overhead cost of any labor organization that they were to represent. Usually the way this shows up would be that a fee is determined that an individual person decides that he or she thinks that that fee is too much; even though it is less than the union dues, they might feel it is too much and then they file suit. It usually is a principle suit because you are usually talking a couple of dollars a month. It is not the type of thing that is going to break anyone.

I can't give you a more specific answer than that, Mr. Morton, because it would have to be litigated, but I was just giving you the guidance of the private sector to the best of my own personal knowledge.

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

Mr. MORTON: Mr. Speaker, I have another question. Presumably the gentleman from Lisbon Falls, with his vast experience in this area, could perhaps give me a little more light. Are agency fees, then, that you have had ex-

perience with, in the upper half of the union dues sector? In other words, are they roughly at 75 or 80 or 90 percent or do they run in the area of 35 or 25 or something like that?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed an additional question to the gentleman from Lisbon Falls, Mr. Tierney, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker, well, I have to take umbrage with his point that I have vast experience in the area. My experience that I have is more or less an academic one in that particular question dealing with various case laws and procedures and none of the case laws and procedures I saw actually had the dollar amount involved, so I am afraid I just can't answer the question.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think if you look at the bill, you can very clearly see that it does include the entire amount, because it says "for the period that it is the exclusive bargaining agent amount equal to the dues, fees and assessment that a member of that organization pays." So it isn't a portion of it, and that is one of the things about this bill that bothers me. Maybe some of the people who are arguing in favor of the bill say that some people are getting a free ride, but if they are getting a free ride, why would they have to pay for some of the union activities that they might not approve of, maybe there should be a fee for just the part that includes negotiating, but that is only one part of the union dues and fees, the part that is used for negotiating.

I think this bill is very restrictive of the freedom of workers. It insists that they pay these fees, whether or not they want to belong, and in some cases, that is against the religion of people to belong to unions, but these people would have to pay the dues and would have to be supporting some activities that are very much against their religion and against their principles.

It is a very strange thing that we talk about firing people for just cause, and that seems to be the whole hew and cry nowadays. I can't see that this is really just cause to be fired, because you aren't paying fees to this particular union.

Another thing I think you should remember is that the fees would have to be paid just to the chief bargaining agent. Since construction is virtually at a standstill in our state now, we have some people who do belong to some of the trade unions and are paying their dues there, but because they are not able to get work, they may possibly have a state job. That would mean that they would have to pay dues to the chief negotiator for the state as well as keeping their dues paid in the union that they really want to belong to. So it means double payment for these people, and I call this a very anti-people/anti-employee bill.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Mrs. Lewis, of course, is a member of our committee, and evidently has forgotten, in her balancing Education and Labor Committees, that the bill is no longer before us, we are now dealing with Committee Amendment "A", which has nothing to do with what you just talked about.

Relative to the argument of religion, part of the reason for agency fee is that it does not require membership in any organization that is against your religion. The payment of the fee is for the services rendered. One does not have to join and subscribe to all the affiliations that usually go with it. I think we ought to have the vote on this matter and I did move for the yeas and nays.

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

Mr. MORTON: Mr. Speaker, I am beginning to get some of the picture here, but I perhaps made a mistake earlier on and asked the wrong gentleman, so I guess I will ask the question now from anyone in the chamber. Can anyone in the chamber give me, on the average across the country on items of this kind, what the percentage that the agency fee runs as compared with union dues?

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

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

Mr. BOUDREAU: Mr. Speaker, I have a definition here, agency shop, and I would like to read it and maybe that will answer Mr. Morton's question.

"A provision in the collective agreement which requires that all employees in a negotiating unit who do not join the exclusive representative pay a fixed amount monthly, usually the equivalent of organization dues, as a condition of employment."

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify something, I haven't confused the Labor Committee with the Education Committee. If you look at the amendment, in no place does it say that that is not one of the conditions for negotiating. The conditions are certainly just as I said they were.

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

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

The SPEAKER: The pending question is on passage to be engrossed of L. D. 391. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA - Austin, Bachrach, Beaulieu, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote; Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Locke, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Plourde, Post, Prescott, Quinn, Rideout, Shute, Spencer, Strout, Teague, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY - Alopis, Ault, Bagley, Berry, Berube, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carter, F.; Conners, Cunningham, Devoe, Dexter, Durgin, Fenlason, Garsoe, Gill, Gillis, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Lizotte, Lougee, Mackel, Masterman, Masterton, McBrearty, McMahon, McPherson, Mills, Morton, Peltier, Perkins, Peterson, Raymond, Rollins, Silsby, Smith, Sprowl, Stover, Tarbell, Tarr, Torrey, Tozier, Whittemore.

ABSENT - Bennett, Carrier, Drinkwater, Dudley, Gauthier, Hobbins, Jalbert, Kerry, Littlefield, Lunt, Palmer, Peakes, Stubbs, Talbot, Tyndale.

Yes, 86; No, 50; Absent, 15.

The SPEAKER: Eighty-six having voted in the affirmative and fifty in the negative, with fifteen being absent, the motion does prevail. Sent to the Senate.

#### Second Reader

##### Later Today Assigned

Bill "An Act to Equalize the Registration Fee for Dogs" (H. P. 509) (L. D. 628) (C. "A" H-182)

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

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared for this bill, and I would appreciate it if someone would table it until later in today's session.

Whereupon, on motion of Mr. Churchill of Orland, tabled pending passage to be engrossed as amended and later today assigned.

##### Passed to Be Enacted

An Act Relating to Mother's Day and Father's Day (S. P. 202) (L. D. 600) (C. "A" S-53)

An Act Amending the Great Ponds Alteration Statute (H. P. 1334) (L. D. 1504)

An Act to Permit the Taking of Halibut under Certain Conditions without a Commercial License (H. P. 461) (L. D. 566)

An Act to Clarify the Town Line Between the Towns of Waterford and Stoneham (S. P. 297) (L. D. 923) (C. "A" S-60)

An Act to Clarify the Regulation of Public Utilities Owning Interests in Electric Generating Plants and Related Facilities (S. P. 242) (L. D. 776)

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

#### Orders of the Day

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

House Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" as Amended by Committee Amendment "A" (H-176) — Committee on Local and County Government on Bill "An Act to Revise Fees Which may be Charged by Towns for Licensing Innkeepers, Victualers or Tavernkeepers" (Emergency) (H. P. 640) (L. D. 784)

Tabled — April 21, 1977 by Mrs. Huber of Falmouth.

Pending — Acceptance of either Report.

On motion of Mrs. Huber of Falmouth, the Minority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-176) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

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

Bill, "An Act to Provide for Licensing of Bottle Clubs" (H. P. 232) (L. D. 295) (C. "A" H-166)

Tabled — April 21, 1977 by Mr. Maxwell of Jay.

Pending — Motion of Mr. Jacques of Lewiston to indefinitely postpone Bill and all accompanying papers.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I would ask someone to please table this until later today. I have got an amendment being prepared but it hasn't been distributed yet.

Thereupon, on motion of Mr. Marshall of Millinocket, tabled pending the motion of Mr. Jacques of Lewiston to indefinitely postpone and later today assigned.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — April 21, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, April 27.

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

Joint Order — Relative to Joint Rule 20A — Reports of Committees (H. P. 1440) Read in House April 20.

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls

Pending — Passage.

On motion of Mr. Quinn of Gorham, tabled pending passage and specially assigned for Wednesday, April 27.

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and that Each Senate District shall be Composed of Three Contiguous House Districts (H. P. 839) (L. D. 1026)

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

Mr. Curran of South Portland moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with the motion made by the good gentleman from South Portland, Mr. Curran, for a number of reasons.

Being a freshman legislator and so forth, I read in the newspaper before I came up here when this was introduced a couple of sessions ago, the last session and the session before that, that really the only reason we were opposed to this was because we were afraid of losing our positions here in the legislature. That is absolutely not true, because either one of these bills would not become effective until January 1, 1983, and I am not sure where I am going to be in 1983.

The second thing that I have to speak about is the size of many of our rural House districts. My House district borders four counties, on the fifth side it borders the Atlantic Ocean, it is split between two senatorial districts. In order to get from one half of my district to the other, I have to go through another county, either through Lincoln or Cumberland. To travel to one of my selectmen's meetings in the southern part of my district is approximately 51 miles one way, and I just cannot see passage of this bill whatsoever.

Talking about reducing the size of the House. I noticed there was a leaflet passed around the House here sometime last week in comparison to the size of other legislatures. Well, when Maine originally became a state, we had 151 Representatives with less than 100,000. Now we have over a million people and we still only have 151 Representatives, and I don't see a thing wrong with that. We have gotten this far

and I think our system in comparison to other states, how they work, it works rather well. Sure, you can compare California to Maine, but we don't get paid \$60,000 for each two-year term, and I think Maine operates very well beside the State of California, and I am proud of it.

In addition, this chamber here is the people's chamber. You can see the effect, and I can in the short time I have been here, how much influence lobbyists have when you have few in numbers. You can see it in the other body. We are the people's representatives and I hope we stay that way. Even though I am a freshman legislator, I feel that I have an obligation to represent my people the best I can. As a freshman legislator, I feel that I have an obligation to represent those people just as well as the Speaker or the Majority or Minority Leaders would represent their constituents.

The Maine Legislature ranks 45th or 46th in pay, and if the size of the House was to be reduced, I am so afraid that us people in the rural areas, our representation would come from the cities and we wouldn't stand a chance. So, ladies and gentlemen, I do hope that you will support the Majority "Ought Not to Pass" Report, and when the vote is taken, I ask for the yeas and the nays.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose this legislation which would reduce the size of the Maine House of Representatives. We have before us two divided reports, one which would reduce the size of the House to 132; the other to 99.

The proponents who are reducing the size of this body have continually cited their reasons as increased efficiency and economy. These, I submit, are only illusions. If you carry the concept of efficiency to its ultimate extreme, a dictatorship is the most efficient form of government but not a very desirable one. The small economies to be achieved in lesser numbers would quickly be eaten up in increased staff and higher salaries.

For those who feel that increased staff and higher salaries are a positive goal, I would remind you of the fact that the Maine Legislature is modeled upon our National Congress which consists of an upper and lower body. As a constitutional entity, these two bodies were expected to be quite different in their makeup and in their philosophy. The upper, and the smaller body, would represent men of property and monetary wealth and protect those interests against the leveling tendencies of the lower body who, elected by a smaller number of people and more provincial in attitude, would represent more closely the common people. While this philosophy or model, like all models, has never worked perfectly, I believe the concept applies to the Maine Legislature in 1977.

The upper body in this legislature is smaller in number, and each individual is elected over a wider area. This, on the whole, tends to make that body further removed from the average Maine citizen, more representative of the will of the well to do and the business establishments and more conservative on matters dealing with education, social services and the regulation of our environment.

We of the lower body, on the other hand, are on the whole closer to our constituents, people of less means, and more liberal in our approach to those things which affect the everyday lives of Maine people.

In a state with the geographical size of Maine, any reduction in the size of this body would only lean in the direction of creating two upper houses and to remove the workings of government that much further from the people.

We are somewhat inefficient and we are

somewhat economical at times, but we are also one of the most democratic legislatures in this country. I, for one, intend to vote to keep it that way and I hope you join me.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: As sponsor of this measure, I ask that you defeat the motion so that you may vote for the Minority "Ought to pass" Report. The bill, L. D. 1026, is a reform that deserves careful consideration on the part of each and every one of us, notwithstanding the traditional opposition that we are beginning to hear today.

This is not a transient or idle undertaking on my part. You have only to consult my good friend in my immediate neighborhood here in the House, most of whom have left. They have been trying to talk me out of this bill for weeks and it has been like sitting in a hornet's nest.

I have worked for this reform for many years as a citizen. I campaigned on House reduction and the idea was well received. People have told me I would change my mind once I became a member of this legislature, but being here has convinced me all the more of the necessity of such a reform.

I will ask this morning for a few minutes to explain the bill. Being a constitutional amendment, it needs a two-thirds vote of both Houses, and a majority favorable vote by the people in referendum. The resolve would cut the House size by about one-third in the next reapportionment now scheduled in the Constitution for 1983. That is six years from now, so that if you think any of you are going to be affected, many of you might not be with the high rate of turnover, anywhere from 30 to 50 percent that we have in this House each biennium.

House membership would be three times the Senate membership, which is now set in the Constitution at an odd number between 31 and 35. My bill differs slightly from another bill which is now withdrawn which would have cut the House to 99 and set the other body at 33. There is a distinct advantage in retaining a flexible number of Senators and Representatives in this decade. I can tell you that the process is not only a very difficult and painful political feat but also an extremely complex mathematical exercise. It is a fact that one number works better as a divisor than others given the total population of the state and its distribution within the state. So this bill would retain the flexible size of the other body as the basis of House size, so that the House would contain a membership of three times 31 or 93, three times 33 or 99 or three times 35 or 105.

The bill would further ease the reapportionment by basing each senatorial district on three contiguous house districts. This cuts the agony of the apportionment commission by at least one half. Even more important, such an alignment of districts would simplify matters for the voter. Each house district would be wholly within a senatorial district, thus preventing the overlapping of electoral district lines.

Reducing the size of the House has been and always will be an unpopular, touchy subject among House members. It always raises the theoretical question of what is the ideal size of the House. The answer is that it should be large enough to truly represent the diverse interests of the people of Maine, but small enough so that each legislator may be visible and accountable, not only to his own constituents, but to all the people of the state. Large enough to get its work done through the committee system, but small enough to allow one hundred percent participation and one hundred percent responsibility of its members in its deliberations.

Above all, we should be concerned about the question of size in terms of how we can be a more effective legislature without sacrificing

good representation. Note that I do not use the word "efficient" legislator because I believe that democracy can never be efficient and that is the glory of democracy in our system.

In 1962, professor Edward Dow of the University of Maine analyzed the size of legislatures nationally. He came up with the idea of a Maine House of 75 and the other body of 25. But let's look at the picture today. The Book of States, 1976-77, states the following: "the largest senates are in Minnesota, 67, and New York, 60. The smallest are in Alaska and Nevada, 20 each, and Delaware 21. The largest lower houses are in New Hampshire, 400; Massachusetts, 240, which will drop to 160 as the result of a recent constitutional amendment; and Pennsylvania, 203. The smallest in Alaska and Nevada, 40 each, and Delaware 41. The median is 100 for lower houses and between 38 and 39 for senates. There have been some major reductions in the last decade, notably in Connecticut, Ohio and Vermont."

On the other hand, let's look at relative constituencies in the states. The book of states points out the wide disparities in number of people represented by legislators of the several states. Each Californian representative represents a quarter of a million persons. At the other extreme, each New Hampshire representative has a constituency of about 1,800. Maine is also low among constituencies, at about 6,500. The median population per seat nationally is 27,818 for representatives. When Maine's small population of one million is compared with that of other states and the size of our House is that of other states, it can be reasonably argued that our House is proportionately and needlessly oversized.

I refer you to the sheet distributed last Thursday, entitled "Selective House Size Comparisons" to which reference has already been made. The New England states show a trend of relatively large houses, a function of the New England tradition of representation of localities and emphasis on local rather than state government. The other states were selected either as comparable in population to Maine, comparable in characteristics, or for their largeness in population in contrast to Maine. I would like to point out that on this sheet, there is an error, a transposition of figures with regard to the state of Wisconsin. It should be, House size, under Wisconsin, 99; Senate size, 33. And it's interesting, while we're talking about this state of Wisconsin, to look at its population which is almost four and a half million people, and it is a state which is very much like the state of Maine with its 50-50 rural-urban split.

We are talking today about reducing our Maine House to approximately 100 from 151. The figure 151 is not carved in stone. As a matter of fact, the first constitution, as has been pointed out, in 1820 provided for a house of "not less than 100 nor more than 200." The number was set at 141 with the other body at 20. In 1822, two years later, the House number jumped to 150. In 1832, the House numbered 186, the other body 25. 1842 saw 200 Representatives and 31 members of the other body. In 1843, the House was set at 151 and there it has stayed for 134 years. That is a very significant number of years, a period of time in which all kinds of changes have taken place, changes in electronic communications, transportation, lifestyles, and changes in government too, expanded federal government, expanded state government, especially in the executive branch, and legislative changes, such as abolition of the executive council, annual legislative sessions, one man/one vote representation, and higher pay for legislators.

Changes in government have reflected higher expectations with regard to the good life and changing needs in a changing society. On the other hand now, the American people are charging government with excessive

bureaucracy, excessive red tape and excessive interference in their lives. As legislators, we are sensitive to these charges. As legislators, we should be thinking about putting our own house in order.

Would a smaller legislature be a better one? Could we deal more effectively with legislation? Could we respond more effectively to the changes of proliferation of government, cut back on needless programs, determine real and important needs and find viable governmental solutions? Many of us think so.

It is reasonable to expect that one third less legislators would produce one third fewer bills and contribute toward better drafted bills and a smoother flow of bills through the legislative process. Fewer bills would give each one of us the opportunity to legislate with greater care and deliberation.

Second, the estimated \$634,000 per biennium that would be saved in legislative salaries and expenses could be applied to state programs or it could be applied to increased legislative staff. It could be applied to higher salaries for legislators, whatever the legislature should decide.

Third, each one of us could participate more in the legislative process. The federalist papers warn, "In all legislative assemblies, the greater the number composing them may be, the fewer will be the men who will, in fact, direct their proceedings. The larger the number, the greater will be the proportion of members of limited information and of weak capacities. The people can never err more than in supposing that by multiplying their representatives beyond a certain number, they strengthen the barrier against the government of a few."

Today, I ask you to consider this proposal on its merits. I ask you not to think of how many more miles you will have to travel to campaign or serve your constituents, nor to think of the 3,500 or so more constituents you will gain, nor to think that House reduction might eliminate your seat. I am asking you to think of improving the workings of this legislature. In the words of the prayer this morning, "let all selfish interest be swept away." I am asking you to think of the people of Maine, what they want in a legislature. This is the only way for them to speak, for us to pass this measure by a two-thirds vote out of both houses and for the people to ratify it on referendum. So I ask you to defeat the pending motion and I would like to ask for the yeas and the nays when the vote is taken.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: For some 20 years I have voted for this measure to lower the size of the House, but this morning I have different thoughts. I have had time to think it over, and let me tell you, 20 years ago or even 10 years ago we should have gotten along easily with a smaller House because we had fewer bills and people weren't demanding the services they demand today. It would have been an easy matter to take on more territory, more constituents so to speak. But it seems to me, the trend is in the other direction. The trend is for more service, more bills, and this way it would be impossible to take on more territory and properly serve the people.

I felt very strongly in my early years here that this House should be cut, but I feel just as strongly this morning that it shouldn't be. Now, we have abolished a counsel, that gives us more work. Every indication as I can see is going to get greater as years go on, not less, so I hope this motion is sustained this morning.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The other day we received on all of our desks, I think, a map of the House districts distributed at the request of



Representative Birt from East Millinocket. If you have that map, it might be nice to take a peek at it because it says something, to me, at least, if you look at the southern part of the state, you have a heavier concentration of population in small districts. If you look at the northern and the western part of the state, you have your larger districts. Now, I am just about in district 79, the last of the small districts going north, with the exception of maybe a couple, one in Millinocket, another one in extreme northern Aroostook county. I can walk from one end of my district to the other probably in about an hour. It is no problem to me and so I have no axe to grind. But I can't help but sympathize with the other gentleman from Old Town, Mr. Gould, who surrounds the area that I serve in district 80 and even going beyond that into other districts down in Washington and Aroostook counties, Piscataquis County and some of the other counties of the state.

I think this is the worst bill that this legislature will address itself to this year, and I say that knowing full well that the Bangor daily news and a number of other papers in the state have been crusading for years to lower the size of the House.

At the present time, we are supposed to be serving 6500 people. Come next apportionment, if the size of the House remains the same as it is right now, we will probably be serving close to 10,000 people apiece, if population trend continues to go up, and so you're going to have added burdens.

Now, if you were to lower the size of the House at the same time, you would have big problems. You would have big problems because your population would have gone up, your area probably would have increased and the gentledady from Cape Elizabeth indicated that there was some sort of a magical thing about having districts, three districts within a Senate district. Now, I just don't understand that logic, why it would be good to have them self-contained within a Senate district. The gentleman from East Corinth, Mr. Strout, and I are both in the same senatorial district, as is the gentleman from Lincoln, Mr. MacEachern. From time to time we agree with the State Senator from our area and from time to time we do not. I don't understand how this would facilitate good government, it just escapes me.

I don't think that we could respond more effectively to the problems of our constituents if we had more of them. I don't think we could respond to the concerns of our constituents if we had more of an area.

I would just like to read you for a second, if I could, one of the rural districts and number of towns that are in it, as I did in the committee that heard this bill. I hope I am not stealing anybody's thunder. This is district 101 and it includes the following towns: Indian township, Alexander, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Grand Lake Stream Plantation, Pembroke, Plantation No. 14 — and there are people in those plantations — Plantation No. 21, Princeton, Robbinston Talmadge, Topsfield, Vanceboro, Waite, parts of southern Aroostook County, Amity, Bancroft, Cary Plantation, Orient, Reed Plantation, Macwahoc Plantation, Orient, Reed Plantation and Weston. And there are, of course, a number of areas where there aren't people. Now I would like to read you, if I could, district number 34, part of Cape Elizabeth.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: Not too many years ago, we had a form of entertainment known as continuous movies. As I remember it, we had a newsreel, a comedy, and a feature movie. They started at 2:00 in the afternoon and continued long into the evening. The way we did it, we went into the movie at anytime, sat there until the

same thing came on the screen and we said "this is where I came in" I repeat, this is where I came in in the last session.

True enough, the good gentleman from Old Town stole some of my thunder because at that time, I read off all of my towns — seventeen in Washington County, and nine in Aroostook County, but the good gentleman from Old Town neglected to say that I have unorganized territories of Brookton, Lambert Lake, Forest City, Kossuth and Molunkus. I assure you, these are all important places.

Now, we all have roughly 6,000 people. I assure you, to find my 6,000, I have to travel a long way, something about 140 miles.

I also would say this, that I do not expect to be around here in 1983. There are various reasons why not, one of which I may be six feet under. However, I do recommend that if you pass this bill, and this is the same recommendation I made in the 107th Legislature and you people who are here will undoubtedly remember it, if you pass this bill, you had better pass another one authorizing the purchase of a helicopter so that the representative can see his people about once a year.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I am amused sitting here, hearing some of you comment on the fact that this is the people's House. Why is it that if this is the people's House, the people themselves, the people who pay the taxes in the State of Maine, the large majority of those people can't afford to run for this House? They work in employment where they can't get a leave of absence for six months. If they should run for office, they come into the House of Representatives, get paid \$3,500. How many employers in this state will welcome them back with open arms? Not too many. I doubt if there are any.

We look around the House here and look at who the Representatives are. How many blue collar workers are there in this House? Think about it. But yet, the blue collar workers are the people who pay the bills for the State of Maine. They are the people who pay the bills, the bottom line. Are they represented? Is this the people's House?

I think the most painful surgery in the world is the type you have to perform on yourself. We talked about sunset legislation and we passed it in both bodies because we say government is inefficient. But yet, we cannot recognize that we are inefficient, and that is the type of surgery that we have to perform.

I think it is time that this House takes time and reflects on this legislation. It is a good bill. It is a bill that will reduce the size of the House. I would be the first to vote for that and I would also be the first to increase the salaries of the members of the House in order to let those people that we supposedly represent in this House, give them an opportunity to run for this office and to speak. Therefore, I urge you to vote against a present motion and vote to reduce the House of Representatives.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In response to my good friend from Richmond, Mr. Moody, and my good friend from Old Town, Mr. Pearson, I would like to point out that we do not, and I repeat, do not determine representation in this state by numbers of miles traveled, by the number of towns represented by numbers of trees or by any other criteria. We determine representation in Maine by people and that should be our criteria.

I am sure that each town in Mr. Moody's district or any other multi-town district, for that matter, would like to have a representative

from their town and not from neighboring Richmond.

There is nothing magic about 151. It reminds me of a story and I would like to kind of just leave this with you. The young wife just got married, she was cooking a roast, she cut the ends off. Her husband asked her why she cut the ends off the roast. She said, well, my mother did it. Well, finally this got to her so she couldn't really figure out why, so she called her mother and her mother said, her mother had cut the ends off, so finally the daughter wanted to get to the bottom of this. She called her grandmother and said, Gram, how come you cut the ends off the roast? She said the pan was too short.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: We have heard the lady, the sponsor of this bill, mention about New Hampshire. I live about 18 miles from New Hampshire, and she mentioned the 400 members in that House, and all we hear in Sanford and the surrounding towns is how effective it is run over there. In fact, I was in a store the other day and I met friends of mine that were neighbors and moved to Massachusetts and I asked them, are you still living in Massachusetts? They said, no, we work in Massachusetts but we live in New Hampshire. We bought ourselves a place in New Hampshire, there are quite a few of us that are doing that because the State of New Hampshire, is much more effective in taxes and many other ways. Also, I understand that not too long ago New Hampshire received an award for being one of the best, effective legislatures in the country.

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

Mrs. NAJARIAN: Mr. Speaker, Men and Women of the House: This issue has been debated three of my four previous terms here and I almost decided it is a hopeless issue and was not going to speak on it today, but I do feel strongly about it. I haven't been here 20 years yet, like Mr. Dudley, and I still think it would be better to reduce the size of the House, only on one condition, that we provide better staffing to the legislature. If legislature does not have that, then I think the people of Maine are better off with the 151.

I have stated before that the framers of our Constitution, I think, committed a serious error, in my humble opinion, when they allowed the legislature to determine its own size. The judiciary does not determine its size nor the Executive its size; the legislature, another branch, does that for them.

It should be pointed out I think though, in our original Constitution the people could petition constitutional amendments just as they now do statutory law, but that was changed about the turn of the last century and no more the only way that the people can speak on constitutional amendments is that if the legislature approves it.

I think it is terribly difficult for us not to think of this in terms of political opponents or party realignment of larger geographical districts which require more work, more time and a greater homework, yet, even if approved by the voters, this amendment would not take effect until 1985. I notice that many of you prefer it to 1983, but I looked up in the L.D. and it says 1985, which is four terms down the road. With the 50 percent turnover we have here every session, I doubt if more than 10 or so of us will be running for office at that time, so I think we can look at this issue objectively.

There are several reasons why I think this House is too large. There are five of us for every Senator. We are so crowded in this spacious chamber that we constantly are stumbling over one another. A few months into the session and we are obscured by L.D.'s, roll

calls, enactors and various and sundry reports with no place to put them.

One representative for every 6,500 people approaches absurdity. Portland, a city of only 65,000 people is represented up here by 10 Representatives and two and one-third Senators. That is almost overkill. Even at 99 members, Portland would still have six Representatives and two and one-third Senators, and that probably is still too many and I am sure that there is a lot here who think one of us from Portland is one too many.

Our legislative staff is totally inadequate. We can't act upon bills until they are drafted and most of the people who are doing our drafting are also assigned to cover three committees which have been proceeding with hearings. It is little wonder that cloture for bill drafting was only last Friday and that so many bills heard are still in committees and a multitude yet to be heard. We badly utilize our time because of insufficient staff.

In order for the Appropriations Committee and the Finance Office to deal intelligently with close to a billion dollar budget, we should have one program analyst for each executive umbrella of the executive department. While the two people in our Finance Office are doing an heroic job, and that may have been sufficient for the appropriation budget process a few years back, it is totally inadequate for it today. In fact, it borders on the archaic.

There are those here who want to pattern our budget process along the lines recently adopted by Congress, to set priorities early in the session and determine what the percentages of funds will go for what. But I can tell you that that is only going to be a dream until we have additional staff. Although we are better off than we were a few years ago, we still have 184 members who could and need to be better informed. We spend an inordinate amount of time just organizing our desks, putting bills and amendments into notebooks when we should be reading those amendments and bills or finding out what they do.

Well, why do I tie staff into the size of the House? Because you and I both know that staffing costs money, that dollars are scarce and neither this legislature nor any other is going to provide itself that staff unless economies are made elsewhere within the legislature and reducing our number is the only way we have of freeing up a significant number of dollars. Ninety nine members or 93 or 105 would provide better representation and the process could be speeded up and thereby save additional dollars.

You hear that reducing the House will strengthen the lobby. Well, I disagree with that. It will always be easier to work 17 Senators than 50 Representatives. Additionally, you know we have spent a great deal of time lobbying each other. Probably more lobbying goes on between and among ourselves than is done by the professional lobby outside. It is a rather sad commentary, I think, that while I knew every new Senator in a matter of weeks into the session, there are still many freshmen Representatives I still can't identify and it is almost May. It is not uncommon to serve two or three terms here and not know the members of your own party. Who have also served two or three terms. There are those who will say that a large number provides better representation, we are closer to the people, but I have observed that those who make this argument are always the ones who vote against sending this question out to referendum. If the people like the intimacy of small districts, I am sure they will vote to keep it that way.

Finally, there are the rural Representatives who complain about the enlargement of their already oversized districts. There are about 14 states larger than Maine, with less population than Maine and have far fewer Representatives. How do they do it? Are we of less hardy stock

than they are? I guess my answer to that argument would be the famous words of the two great all-American Democrats, Harry Truman and Louie Jalbert—"If you can't stand the heat, get out of the kitchen." Another argument is that rural areas will be gobbled up by the cities, but there are 393 communities in Maine under 2,000; there are only 167 above 10,000. I don't see how that could possibly happen.

If you think the people prefer our present size, what is to be afraid of? Send it out and see your opinion upheld. Let's not be cowards. Let's at least put the question before them to decide and come what may. If they vote yes, the reorganization could be of tremendous and far-reaching value to the state and if they vote no, we could lay this issue to rest for several decades.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: As has been previously mentioned and so forth about nobody here is being a coward, I am here to represent the people that elected me. I would like to add, do you think that the State of Nebraska looked around to other states when they adopted the Unicameral Legislature? If you think that is so, and that is just about what we have heard here today, then you are solely mistaken.

In land area, true, I represent two thirds of Sagadahoc County and I am proud of that. I don't represent one half of the City of Millinocket, and like I say, my worry is not about myself at all, it is about the people I represent. I want them to have the best representation possible and I even feel a little guilty myself that I can't do better than I am doing.

Another thing is, and I grant anybody that is in favor of this, most constituents that will come to you and say, I am in favor of this is because the first thing that comes to their mind is, good, it is going to cost us less. You are misleading the people, you know you are, because we have already heard it mentioned about having legislative staff, about upping the salaries of legislators, that is fine, but at the same point, you are totally misleading the people. I say, lets have less bureaucratic regulation and not people's representation.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I stand here in favor of reducing the size of the House. We have heard people say, oh, this would create such huge, large districts, I don't know how I would get from one end to the other. I would suggest that these people ought to go to some of the larger cities in the state and try to get across them, they would find that they could get clear across their districts in much quicker time than they could from one end of Portland at five o'clock in the afternoon. They have just the same number of people to serve, whether it is a rural district or an urban district and it is just as easy to get around, too.

There is the old theory that, oh, the agricultural, rural interests are going to lose out. Well, I submit that if we reduced the size of the House, the number of people representing rural areas will decrease in direct proportion to the number of people in the urban areas.

I will say one thing, Nantucket and Martha's Vineyard would love to belong to the State of Maine. They would be eligible for not one Representative but more than two right now.

Reducing the size of the House would create effective government. We would have fewer bills, therefore, the legislators would be better informed on the remaining bills. Also, they could speak with much more wisdom when they were talking with their lobbyists. I think this place is a classic example of the theory that the

workload increases in direct proportion to the number of people there are. We hear complaints about filing the papers, the number of papers, etc. — well, just look around, there are 151 of us in here creating that; reduce it and we will all be better off.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from South Portland, Mr. Curran, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L., Brown, K. C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F. Chonko Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Gray, Hall, Hickey, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, Jensen, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Nadeau, Nelson, N.; Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Silsby, Smith, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Valentine, Whittimore, Wilfong, Wood, Wyman, The Speaker.

NAY — Biron, Boudreau, P.; Dow, Goodwin, K., Gould, Green, Greenlaw, Henderson, Huber, Hughes, Jacques, Joyce, Laffin, Marshall, Masterton, Morton, Najarian, Nelson, M.; Norris, Peterson, Quinn, Shute, Spencer, Sprowl, Stubbs, Trafton, Twitchell.

ABSENT — Drinkwater, Hobbins, Jalbert, Littlefield, Palmer, Tyndale.

Yes, 117; No, 28; Absent, 6.

The SPEAKER: One hundred seventeen having voted in the affirmative and twenty-eight in the negative, with six being absent, the Majority "Ought Not to Pass" Report is accepted. Sent up for concurrence.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) — "Ought to Pass" as Amended by Committee Amendment "A" (H-180) — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives to 132 Members and Establishing the Size of the Senate at 33 Members (H. P. 85) (L. D. 105)

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

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

Mr. CURRAN: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

I am not going to belabor this. I stand opposed to it for the same reasons that I stated when we debated the last item. I really think that during the last debate, and many of the issues will

probably come up on this particular debate too, that the people of the State of Maine and I compliment the gentlewoman from Cape Elizabeth on her research. I am not really interested in how they compare statistically to other states but whether or not they are being represented and I think that is the issue here. I hope that you will support the Committee Report "Ought Not to Pass."

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I rise to concur wholeheartedly with my good friend from South Portland. I think the issue has been deeply debated today and I think the intentions of this House to remain as it is are very clear and I would certainly hope that we would deal with this issue today without any further delay.

The SPEAKER: The Chair recognize the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, there will be a little delay in the fact that this bill differs somewhat from the first bill in that it establishes a four to one ratio. It reduces the House from its present 151 to 132, that is a reduction of 19. My basic reason for introducing this type of legislation was to ease the apportionment system here in the state. Presently, there are 4.5 Representative Districts for each Senatorial District. As Mr. Moody has suggested a little earlier, he represents two Senatorial Districts or two Senatorial Districts are included in his Representative District. That would not be so under this new bill.

If passed, this would establish a 132 Representative Districts to 33 Senatorial Districts, which is a ratio of four to one. Such a change would greatly simplify the apportionment system here in the state. Mr. Pearson stated earlier about population figures. My bill, as proposed, would increase the average Representative District a total of 1,024 people. That a reduction of 19 would not only greatly provide for a easier apportionment system, a minimal number reduced, but it would also only call for a 1,024 increase. This is not the 3,000 increase that would come under the Masterton Bill, but I think that this selling point, the fact that it will greatly enhance the apportionment system, deserves a little attention, and I wanted to bring that to the attention of this body today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I direct this particularly to you members who come from the rural areas. Just by the previous speakers remarks, I think we in the city would have adverse advantage over you people from the rural areas. I believe that we in the cities would be able to account for more representation in this House than you, from the rural areas, and if there is anything I like, it is good advice from my country cousins when I need it.

Mr. Speaker, I move that this bill, both reports, and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I find myself this morning in complete agreement with my Majority Leader on one aspect of this question and in some disagreement on the other. The first thing with which I find myself in agreement is that we should handle the matter today, not table it, play with it any longer or spend longer periods of time. I think we all understand the bill. I think it deserves treatment this morning.

The area which I disagree with him is on the general approval of the bill. I think this idea is an idea that is long overdue. I think it is something that will give us a great deal of

credit if we could accomplish it, and I would say only one further thing in this connection. We are not asking to make the change ourselves. This is a Constitutional Amendment and for all of those of you who say that they want the people to make the decisions, for those of you who have 17 towns, plus 19 plantations, plus four unorganized territories, then fine, I am sure those people will vote against it when it comes to constitutional question. What we are talking about here is the matter of theory of government which the people themselves most certainly should be allowed to make in the referendum next Fall.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Members of the House: I rise to take objections with my Assistant Majority Floor Leader, Mr. Quinn. I think that the system, when it was set up for changing the Constitution, allowing for a referendum, is quite a different matter than a referendum we would attach to a bill as it was moving through the legislature. That is part of the safeguard and that only should go out to referendum after two thirds of this legislature feel that it is a good enough idea to be passed into law. I don't think that we should merely send it out to referendum just because we should let the people have a decision on this vote, because the system wasn't set up that way. The system was set up to protect the people from the legislature if we were to pass something that was a change in their Constitution. I don't think that argument holds a lot of water. It may be in other cases but not in the case of a constitutional change.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clear up a couple of things. There is no way that the people of this state can effect a change in the size of this House, or the other body for that matter, except through this process that we are going through now. That is for this House and the other body to pass a Constitutional Resolve by a two-thirds vote and then have the people vote on it in referendum. They may not initiate a constitutional amendment. The only other way for the people to participate in this decision is if the legislature should call a constitutional convention. There is a provision in our Constitution for a constitutional convention. A convention of that sort has never been called because there is absolutely no procedure for calling one in the Constitution, so the people's hands are tied, and it isn't as if people haven't approached me and said to me, I wish you would go on with their reducing the size of the House, I think it is important, I would like to see it come about.

There are a couple of other points that keep cropping up here — one of them is enlarging districts. It is true, of course, that some Maine legislators have now and will always have very large geographical districts and they will always have a great number of towns that they represent.

Either one of these bills, these reduction bills, however, are not the cause of this problem. I am speaking particularly of House Districts 14, 38, 63, 82, 96 and 101. These districts would have to expand further to embrace more people, of course. How these districts would work at this time is impossible for us to judge. It would be mere speculation, because we must wait for the 1980 federal census and we have to sit down and we have to reapportion all over again. And Representative Najarian is correct, both of these bills would take effect in 1985. In the 1984 election would be the one in which Representatives would run in the new districts.

I know that it isn't easy on legislators with large districts. I am in great sympathy with

them. I have talked with the gentleman from Danforth about this problem and we have agreed to disagree on this issue, but the point is, you have these large districts now, you will always have them. Given the kind of population distribution that we have in this state, such large districts are inevitable, and it isn't reasonable at this time to assume that enlarging the districts isn't inevitably going to add another 100 miles onto your travels. It might only be 20 miles. For example, if the good gentleman from Danforth, would like to have the town of Eastport and Perry added to his district, it would only be a matter of another 20 miles.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring the young lady down into the territory that I had before. That was 84 miles long and 40 miles wide, bigger than the State of Rhode Island. Now, if she wants to dream up any more of these things where people can travel around through the boonocks and locate people, be able to meet with their constituents, I will invite her down and she can travel with me. She will be tired when the week is out, there's no question on that. There is no way that you can reduce the size of this House and give decent representation to the people outside of the municipalities.

I have stood here for five years, five terms I should say, and seen these same choice baubles come in that somebody has dreamed up, either out of a college or somewhere else, that has never been off the concrete sidewalk.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I thought there probably would be some difficulty in trying to give Eastport away, but I would like to ask for a roll call vote.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that L.D. 105 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopins, Ault, Austun, Bachrach, Beaulieu, Bennett, Berry, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Conners, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowle, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Hall, Hickey, Howe, Hunter, Hutchings, Immonen, Jackson, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Lizotte, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Silsby, Smith, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Bagley, Benoit, Biron, Birt, Boudreau, P.; Churchill, Clark, Dow, Durgin,

Goodwin, K.; Green, Greenlaw, Henderson, Higgins, Huber, Hughes, Jacques, Jensen, Joyce, Laffin, Lynch, Marshall, Masterton, Morton, Nelson, M.; Norris, Quinn, Shute, Spencer, Sprowl, Stubbs, Traflet.

ABSENT — Drinkwater, Gould, Gray, Hobbins, Jalbert, Kany, Palmer, Tyndale.

Yes, 109; No, 32; Absent, 9.

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

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

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby this bill was indefinitely postponed. I hope you will all vote against me.

The SPEAKER: Mr. Bustin of Augusta moves that the House reconsider its action whereby L. D. 105 was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Mr. BUSTIN: Mr. Speaker, relative to Item 5, L. D. 1026, Resolution Proposing an Amendment to the Constitution to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and that Each Senate District shall be Composed of Three Contiguous House Districts, I now move that the House reconsider its action whereby the House accepted the "Ought Not to Pass" Report. I hope you all vote against the motion.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves that the House reconsider its action where by L. D. 1026, was accepted. Those in favor will say yes; those opposed will say no.

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

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

Bill, "An Act to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359) In House, Passed to be Engrossed on April 12. In Senate, Indefinitely Postponed.

Tabled — April 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and specially assigned for Wednesday April 27.

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

Bill "An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education" (H. P. 1349) (L. D. 1621) In House, Referred to Committee on Health and Institutional Services on April 13. In Senate, Referred to the Committee on Education.

Tabled — April 22, 1977 by Mr. Goodwin of South Berwick.

Pending — Further Consideration.

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

Mr. GOODWIN: Mr. Speaker, I move that the House adhere.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This does concern medical education and the Education Committee has had three bills dealing with medical education. I would move that we recede and concur and would request a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, It is L. D. 1621 and deals with three issues. One issue is whether or not when money is spent from the Board of Medical Registration to educate other doctors, whether some of that money should go for developmental disability. This is a result of a study that Health and Institutional Committee carried on for one year when this need was brought up.

Another issue that the bill deals with is to better define programs of medical education. The bill which originally allowed the Board of Medical Registration to carry on medical education of its own doctors went to, Health and Institutions Committee last year. An earlier bill dealing with the Board of Medical Registration and the education that it carries on with the doctors who belong to that program was earlier referred to Health and Institutions Committee this year.

One of the reasons that I had this bill was that when we allowed the Board of Medical Registration to carry on continuing education, we set some guidelines for them and then during the summer, while on the Health and Institution Committee, I found out what the Board of Medical Registration spent their money for. They were supposed to educate doctors. They gave \$5,000 to the Maine Medical Association for sufficient report in accreditation system. They gave \$14,000 to the Pine Tree Organization for Professional Standards and Reviews to compile a hundred percent file of discharge data and they only spent about \$500 for actual continuing education for doctors.

Health and Institution Committee had the original bill, I think it is up to them now to have the next bill which may set the guidelines a little closer. I have no doubt at all that the Maine Medical Association and the medical establishment would rather have this bill go to the Committee on Education, and I am making that argument because a part of it does deal with the Board of Medical Registration's ability to provide some funds for medical education for students who want to become doctors. However, all that particular section of the bill does is to a little bit better define what intent to practice in rural Maine means. So, out of three major issues of the bill, two of them have only been dealt with by the Committee on Health and Institutions. I would ask that you oppose the motion to recede and concur.

I would support the motion to adhere. I know fully what that may mean to the state of this bill, but I think somewhere along the line the people in this House have to make clear that the issues of Reference of Bills need to be dealt with by the people within the halls of both Houses, not by those in the lobby. I request the vote be taken by the yeas and nays.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This bill is only symptomatic of bills that we are going to be discussing. One of them I have been tabling now several times dealing with Optometrists. It is time that the legislature took a look at what it is doing in providing future M.D.'s, Osteopaths, Veterinarians and Optometrists in this state. It is getting to be a real problem, and I think we ought to have one vehicle for providing opportunities for students in the state to have one of these forms of education. We are diluting our efforts if we go in too many ways.

We are going to have an extended debate later over a number of M.D.'s, a number of Osteopaths, a number of Veterinarians and a number of Optometrists that the state is going to be contracting for, for various medical schools for spots for the young Maine students.

I simply ask that you vote to recede and concur.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to concur with the thinking and the motion of the gentleman from Livermore Falls, Mr. Lynch. It does appear from reading over the bill that it is pretty much consistent with the philosophy of some of the other bills we have in the Education Committee and I do feel that this is the committee that it should belong with and I hope you will recede and concur.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am sorry to get involved in this reference today but basically this is a situation where a bill could probably go either way. If you take a look at the bill, it does deal with areas the Health and Institutional Services Committee is concerned with and does deal with. It doesn't deal with medical education programs that the Department of Education runs. It deals with continuing education programs of people that are already doctors and how they should use the funds of their registration fees and also there is one section there on a special scholarship program. I think it basically deals with the titles that the Health and Institutional Services Committee have worked with and are working with now on other bills.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will recede and concur. If you look at the bill, a major portion of it has to do with the contracts that the state has with medical students studying various types of medicine, and since the Education Committee has been dealing with just this type of bill, I think it would be too bad to dilute it, just as the gentleman from Livermore Falls has said, and I hope that you will recede and concur and let the committee that has been studying this continue to study the same issues.

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

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House recede and concur. Those in favor will vote yes; those opposed will vote so.

#### ROLL CALL

YEA — Alopis, Ault, Bachrach, Bagley, Beaulieu, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Burns, Bustin, Carter, D.; Carter, F.; Churchill, Clark, Connolly, Cote, Cunningham, Dutremble, Fenlason, Flanagan, Garsoe, Gillis, Gould, Gray, Hall, Hickey, Hunter, Hutchings, Immonen, Joyce, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, McPherson, Mills, Morton, Najarian, Norris, Peakes, Peterson, Plourde, Quinn, Rideout, Rollins, Shute, Silsby, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torry, Tozier, Truman, Twitchell.

NAY — Austin, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Brennerman, Bunker, Byers, Carrier, Carroll, Chonko, Connors, Cox, Curran, Davies, Devoe, Dexter, Diamond, Dow, Dudley, Durgin, Elias, Fowle, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson,

Higgins, Howe, Huber, Hughes, Jackson, Jacques, Jensen, Kane, Kany, Kelleher, Kerry, Locke, Mackel, Maxwell, McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Pearson, Peltier, Perkins, Post, Prescott, Raymond, Smith, Spencer, Talbot, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Carey, Drinkwater, Gauthier, Hobbins, Jalbert, Littlefield, McBreairty, Palmer, Strout, Tyndale, Whittemore.

Yes, 72; No, 67; Absent, 11.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-seven in the negative, with eleven being absent, the motion does prevail.

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

Bill "An Act to Increase the Penalties for Violation of State Antitrust Laws" (H. P. 273) (L. D. 347) (C. "A" H-163) — In House, Minority "Ought to Pass" as Amended by Committee Amendment "A" read and accepted and the Bill passed to be Engrossed as Amended on April 20. — In Senate, Majority "Ought Not to Pass" Report accepted.

Tabled — April 22, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Spencer of Standish, tabled pending further consideration and tomorrow assigned.

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

Bill "An Act to Expedite the Collection of Sales Tax on the Rental of Automobiles" (H. P. 600) (L. D. 725)

Tabled — April 22, 1977 by Mr. Quinn of Gorham.

Pending — Assignment of Second Reading.

Whereupon, the Bill was assigned for Second Reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (12) "Ought to Pass" — Minority (1) "Ought Not to Pass" — Committee on Election Laws on Bill "An Act Relating to Political Fundraising by State Employees" (H. P. 453) (L. D. 558)

Tabled — April 22, 1977 by Mrs. Boudreau of Portland.

Pending — Acceptance of Either Report.

On motion of Mrs. Boudreau of Portland, the House voted to accept the Majority "Ought to Pass" Report. The Bill was read once and assigned for Second Reading tomorrow.

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

HOUSE DIVIDED REPORT — Majority (11) "Ought to Pass" as Amended by Committee Amendment "A" (H-184) — Minority (2) "Ought Not to Pass" — Committee on Liquor Control on Bill "An Act Relating to State Liquor Identification Cards" (H. P. 769) (L. D. 960)

Tabled — April 22, 1977 by Mr. Greenlaw of Stonington.

Pending — Motion of Mr. Jacques of Lewiston to Indefinitely Postpone the bill and all accompanying papers. (Roll Call Ordered)

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would vote against indefinite postponement of this bill. I know last week we had a problem with the clarification of the penalty which was applied. This bill does not change the penalty for falsifying such a document. All it does is make the person signing the document aware of the consequences, if he does knowingly falsify it.

I would hope that you would vote against indefinite postponement so that I might present

an amendment to clarify and define the Class D crime.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: My reason for voting for the "Ought Not to Pass" Report on this bill is for one reason only. I truly believe that a penalty for giving false information is much too great. I spoke to a gentleman from the other body about this last week and he said to me "we'll make this penalty so big so as to scare the person when he applies for an I.D. card" I certainly believe this to be bad. If we make laws, we should make them true laws. Why should we say \$5,000 or three years if we mean, in truth, \$200, or thirty days? Why can't we call them the way we really mean them? To me, this is not good legislation. If we impose penalties, let's impose true penalties.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: Unless I am mistaken, this is the present penalty, right now and all this bill is doing is putting a warning sign on the application stating that if you do present false information, this is what's going to happen to you. But this is the present fine and penalty if someone is caught falsifying information.

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

Mr. SPENCER: Speaker and Ladies and Gentlemen of the House: The present penalty for unsworn falsification is a Class D crime which is up to one year in jail and a fine of up to \$500 or both, so that the original Committee Amendment was an error and it is my understanding that an amendment has been prepared to correct that if the bill is not indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill. I was not here Friday and appreciate the consideration of those who tabled the bill so that I could be here for the debate. This bill, as you have heard said, has not changed one bit the law regarding falsification of state documents. But I think we owe to our young people especially the courtesy, if you will, of informing them of the serious thing they do when they falsify state documents. All this does is put that requirement of a warning on that document. I don't think we are treating our young people very fairly to hold them responsible for violating a serious law without at least making some effort to educate them as to the law. This bill is my own idea in response to something that I learned last year in my work with young people in Auburn that there are, indeed, a number of young people who are taking down I.D.'s from, say, older brothers, for example and going in and getting a false I.D. It is one of the problems which, I think, we can deal with that I thought a more appropriate manner in which to deal with the drinking problem than the one we chose. But certainly you can vote for this and vote for other means in clear conscience. But I think we could not, in clear conscience, begin to punish young people for violating a serious law, one which I support, which is in the criminal code, if we don't at least inform them of what that law is. And that is all this bill does.

I hope you would not indefinitely postpone it.

#### ROLL CALL

YEA — Berry, Carter, D.; Gould, Hall, Huber, Jacques, Kelleher, Laffin, Lizotte, Mahany.

NAY — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Byers, Carrier, Carroll, Carter, F.; Chonko, Churchill, Clark, Connors,

Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Dudley, Durgin, Elias, Fernlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Hughes, Hunter, Hutchings, Immonen, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lunt, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKenry, McKean, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong Wood, Wyman, The Speaker.

ABSENT — Aloupis, Carey, Drinkwater, Dutremble, Goodwin, H.; Hobbins, Jalbert, Littlefield, Lynch, McBreairty, Norris, Palmer, Talbot, Twitchell, Tyndale.

Yes, 10; No, 126; Absent, 15.

The SPEAKER: Ten having voted in the affirmative and one hundred and twenty-six in the negative with fifteen being absent, the motion did not prevail.

On motion of Mr. Nadeau of Sanford, the House voted to accept the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-184) was read by the Clerk.

Mr. Gray of Rockland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-197) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for Second Reading tomorrow.

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

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Public Utilities on Resolve, Appropriating Funds for Repair of the Dam at the Outlet of Stetson Pond (H. P. 1094) (L. D. 1318)

Tabled — April 22, 1977 by Mr. Palmer of Nobleboro.

Pending — Acceptance of Either Report.

On motion of Mr. Kelleher of Bangor, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

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

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on State Government on Bill "An Act Providing for the Observance of Memorial Day on May 30th" (H. P. 442) (L. D. 549)

Tabled — April 22, 1977 by Mr. Curran of So. Portland.

Pending — Acceptance of Either Report.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I move we accept the Majority "Ought Not to Pass" Report. Mr. Speaker, Ladies and Gentlemen of the House: The particular L.D. you have before you would return to the date of May 30th, the observance of Memorial Day so that it would be a rotating holiday, occurring a different day each week as it did for so many years. I think the important thing here is that we have a day that we do set aside to recognize the deceased. Memorial Day is not set aside just for deceased veterans. I'm sure that most members of this House

recognize and honor their family members and friends who have passed on. It was in the least of my deliberations that the day was the important thing, when it occurred, was not the important factor. We are a very large state, we have a lot of people who have moved out of state, leaving it on that third Monday in May allows for some travel time so people can come back to the State of Maine and perhaps take care of the graves of deceased family members and friends and I would urge the House to maintain that third Monday in May holiday and accept the "Ought Not to Pass" Report.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I object to the accepting of the "Ought Not to Pass" Report and I urge that you accept the "Ought to Pass" Report for the simple reason that probably I'm older than some members here and this was always a traditional holiday and I'd like to state how long this had been a traditional holiday. On May 30th, 1865 Negro children of Charleston, South Carolina spread flowers over neglected graves of Union soldiers near the city. Soon there was a growing number of such ceremonies in the north and on May 5th, 1868, John A. Logan, Commander of the Grand Army of the Republic, designated May 30th as a national Memorial Day and ordered G.A.R. Posts to decorate the graves of comrades who died in defense of their country. In 1873, the New York Legislature designated May 30th as a legal holiday and by the 1890's, every state in the north was observing it. In the South, a confederate Memorial Day was legalized but the date of its observance varied from state to state. Since World War I, Memorial Day has been officially set aside to honor the fallen in all the U.S. wars. And until 1971, May 30th was a traditional holiday. After that date, after 1971, the states have been changing to make it fall on the weekend holiday.

And as we all know, there are more accidents caused by a long weekend holiday than during any other holidays. Also, I object to it for the simple reason that if it fell within some other day of the week, it would break up that week for people who work continually. And I stand by these traditional holidays and I hope you won't accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in objection to this bill, not in objection to it, I feel that Decoration Day, so called, should be on May 30th. A few years ago, there was a lot of do about getting these three-day weekends. This is fine. But I think they carried the thing a little bit too far. Perhaps not far enough. Perhaps they should have changed Christmas to some Monday, Fourth of July on a Monday, Thanksgiving on a Monday, and perhaps my birthday to allow that to become a holiday as well.

President Carter is going to go for an energy — he's calling it an energy crisis. My good friend from South Portland says that people can come back into this state, well I feel they can come back in whether May 30th comes on a Monday or it comes on a Saturday, or a Friday. I still think they can come back into the state. But this is one of the things that they are going to be coping with is energy. Perhaps if we take this out and put it into the middle of the week we won't be able to travel so far coming back into the state to decorate the graves, we would have to depend on somebody that lives here and say "okay brother, did you do it" or "sister, did you take care of it?" because I can't get back there and I can't get the gasoline to do it due to the energy crisis that is facing us now.

So I think, and I firmly believe, that we should keep decoration day, so called, on May 30th.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: This is a good bill. Therefore, I urge that you vote no so that we can defeat the Majority "Ought Not to Pass" and then go on to the Minority "Ought to pass" Report.

May 30th is traditional, it is traditionally Memorial Day, the day that we honor those who have sacrificed their lives for this country. That is the day that we honor our relatives who have passed away. It is a sacred day. I would suggest that what we should do is vote to establish May 30th as the day on which we honor all of those who are our loved ones.

Those people who would suggest that it is more efficient to have Memorial Day on Monday or Friday or something like that, why don't they just make a suggestion that we lump all 10 holidays in the state in a two-week period so that we can have everything all together and get it over with once and for all.

I would urge you, every one of you, not to sacrifice efficiency or what have you, they say ease of travel. If it happens to come on Tuesday, then you can take Monday off and have a very nice, long weekend. Really, tradition in this case, I think, is what should rule.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to refer you to the current law as indicated in L. D. 549. If we leave the law as it is right now, in 1985, we will revert back to the 30th of May unless the Congress of the United States so sees fit to move it back prior to the date in 1985.

This has the same emotional impact as Veterans Day did, and as we all know, Veterans Day was moved back to the 11th of November. The same forces are working also to return Memorial Day to the 30th of May, and I concur with that and hope that you will stand by the bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This is a very good bill, this is my bill. I believe in this bill and I believe wholeheartedly in this bill. In fact, I don't put a bill in unless I do believe in it. The only time that I will do just the opposite is when a constituent of mine asks me to put a bill in and I ask them to be sure and come and support the bill or I will let it die.

This is a good bill. This is not just for veterans. This is a day that we have celebrated over the years, and the thing that bothers me most about it is that every time we have a holiday or every time somebody can get in a holiday to make money on, they are right up here at this legislature to try to get that bill passed.

The only reason that this was changed was so that the tourists, the motels, the hotels and that type of industry would make money on a people's holiday, and for no other reason. There has never been one good, sound reason to change Memorial Day from May 30, as we know it, to the present past four years that we have been celebrating it.

I have always noticed up here that when somebody wants to change something to benefit a few, they come through this legislature. I am not criticizing this legislature for its action, but until they can come up and show me a good, logical reason to celebrate the day that we honor our dead, regardless of who they are, whether they have served in wars or whether they haven't, can come up here and give me a good, logical reason, then I cannot support having Memorial Day on May 26 or May 24 or sometimes it goes down to the 23rd. They can't do that, but they can tell you a lot of reasons to change the bill so that we can make more money. I like making money as well as anyone else, but I firmly believe that pretty soon, how

would the majority of the members of this House like to have Christmas, the Lord's birthday, not celebrated on the 25th of December, maybe the 19th. Would that have the same effect as it has now?

We have many holidays that are three-day holidays — fine and good, I have no objection to them. We have several, but they don't mean as much as Memorial Day and Christmas and Thanksgiving and those types of days.

The lobbyist who spoke against this bill, my bill, I promised my good friend Mrs. Mitchell that I would be very choice in words and I am going to try to hold to that as long as I can, but he upset me to no end at the hearing when he talked against my bill. By the way, he was the only one who was opposed to my bill for the simple reason that he was working for the industries of this state, but the real reason that he was there was to make money. He didn't care about the holiday. He could have cared less about Memorial Day it had no meaning to him whatsoever. He was there to make money.

I really would like to repeat some of the things I said to him, but I am not going to this morning because I want the members of this House to vote on the merit of the bill. If you think this is a good bill, I would certainly welcome your support, but if you think that this is nothing more than a commercialized holiday, then you vote that way. If you have no more feelings for the people that have passed on and the loved ones that we have lost and want to support a piece of legislation just to make money, then you vote for it, kill this bill, kill it immediately. I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak today just for a few minutes for the persons working, the working man who has a tendency not to have that many holidays and to point out that based on some research this is not, May 30 is not a day for any special reason other than celebrating ourselves for those who have died. May 30 has been pointed out in the past as an arbitrary date. It was May 5, 1868, when General Logan put out his order that we would celebrate this day for those who had fallen in the wars. It is a day when, since World War I, now we are celebrating all of those who have passed on, as our good chairman of State Government has pointed out.

As the gentleman from Anson, Mr. Burns, pointed out, it has, indeed, in 1985 it would return to May 30 if we do nothing about it, or if the federal government changes prior to that time.

There are some points that must be listened to here, and they are as follows: All courts, all financial institutions must be closed on this day, whenever it is, Monday, Tuesday, Wednesday, Thursday or Friday, and that means closing and opening, and that costs money. Somebody spoke about energy. A good friend of mine, Mr. Churchill, spoke about accidents, we all know that accidents increase on three-day weekends — not true. In 1969, on Memorial Day weekend, we had 597 die; in 1976, we had 442, a substantial decrease, I would think.

May 30 is an arbitrary date. We cannot compare it to Veterans Day, nor can you compare it to Christmas. The day is as we celebrate it, as we feel it, as we remember those who have passed on, but it is also a three-day weekend, it is a chance for families to do it together, a chance for families to do their thing, to celebrate in their way and to remember in their way and to move it from Monday would be less than wise and also less than considerate of those of us who do like to spend time with our families.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I support this bill and I hope that you

vote against the "ought not to pass" report. Whether it has been established or not that Memorial Day was a day for the veterans, for the veterans who have passed beyond, it has always been my belief that we were doing it in respect especially for those who had given their lives for this country. I feel very strongly about this day, because like many others of you, I have somebody laying there in that cemetery who has given his life for this great cause. However, I do think that if it is a promotion for businesses, I don't care if it is or not, but I do appeal to you that you should not forget all these great members of this society who are here at nearby Togus and beyond that, all the other hospitals in this state and other states who have given their lives for this country.

I feel that I have given a substantial time of my life, but I think it was the most worthwhile cause. I hope that you vote against the "Ought not to pass" Report. I don't care if the courts are closed or open on that day or not, I don't care if you have a three-day weekend or not, because I am a working man and if I have to work on that particular day, I do, just as I do at Christmas time or any other time when we have holidays. For those of you who think we don't have many holidays, I think that most places that you work in today will have anywhere from five to ten days a year of paid holidays. I like holidays, I like time off and everything, but I think this is not the issue. I think the issue is actually what this day was intended to be for. The thing is, I think it is maybe calling your attention on one special day of the year to remember those who have given so much for you and for this country.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: These have been before us before and for one reason or another the change wasn't made. But I think right now is the time, with the condition the country is in and everything else, that we should change back to the 30th of May. I especially think so since I got such a large amount of protest mail from the Old Star Mothers of this country. It was fantastic. I think we ought to do this today.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I cosponsored this legislative document. I have great feeling for this legislation. But realizing it has been debated and realizing that water does not run up hill anymore, I will accept the committee's report.

I look favorably on legislation that will bring this back where it belongs 1985. I am a patient man, I think I am going to be around a little bit longer, and I look forward to 1985 when this legislation will go into effect.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from South Portland, Mr. Carran, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Beaulieu, Benoit, Boudreau, A.; Brenerman, Bustin, Carter, F.; Clark, Curran, Davies, Diamond, Dow, Elias, Fenlason, Fowlie, Gillis, Green, Hall, Henderson, Hobbins, Howe, Huber, Hughes, Jensen, Kane, Kany, Kerry, Kilcoyne,

LaPlante, Lewis, Locke, Mackel, Moody, Peakes, Peltier, Silsby, Sprowl, Talbot, Valentine, Whittemore.

NAY — Ault, Austin, Bagley, Bennett, Berry, Berube, Birt, Blodgett, Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Byers, Carey, Carroll, Carter, D.; Chonko, Churchill, Conners, Connolly, Cote, Cox, Cunningham, Dexter, Dudley, Durgin, Flanagan, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kelleher, Laffin, LeBlanc, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Spencer, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Biron, Devoe, Drinkwater, Dutremble, Gauthier, Jalbert, Littlefield, Masterton, Norris, Palmer, Post, Tyndale.

Yes, 41; No, 98; Absent, 13.

The SPEAKER: Forty-one having voted in the affirmative and ninety-eight in the negative, with twelve being absent, the motion does not prevail.

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

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

Resolution, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office (H. P. 655) (L. D. 798)

Tabled — April 22, 1977 by Mr. Curran of So. Portland.

Pending — Final Passage (Roll Call Ordered)

On motion of Mr. Tierney of Lisbon Falls, tabled pending final passage and specially assigned for Wednesday, April 27.

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

An Act Relating to Responsibility of Parents to Provide Medical Care Coverage for Minor Children (H. P. 1257) (L. D. 1414)

Tabled — April 22, 1977 by Mr. Connolly of Portland.

Pending — Passage to be Enacted.

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

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

Bill, "An Act to Provide Interest on Judgments in Civil Actions" (H. P. 575) (L. D. 699)

Tabled — April 22, 1977 by Mr. Garsoe of Cumberland.

Pending — Adoption of House Amendment "A" (H-189) to Committee Amendment "A" (H-168)

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

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

The Chair laid before the House the following matter:

Bill "An Act to Establish a Bill of Rights for Mentally Retarded Persons" (H. P. 1473) which was tabled earlier in the day and later today assigned pending reference.

On motion of Mr. Talbot of Portland, the Bill was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628) (C. "A" H-182) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be engrossed as amended and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Provide for Licensing of Bottle Clubs" (H. P. 232) (L. D. 295) (C. "A" H-166) which was tabled earlier in the day and later today assigned pending the motion of Mr. Jacques of Lewiston to indefinitely postpone.

On motion of Mr. Raymond of Lewiston, retabled pending the motion of Mr. Jacques of Lewiston to indefinitely postpone and tomorrow assigned.

Mr. Carter of Winslow presented the following Joint Resolution out of order by unanimous consent:

A Joint Resolution (H. P. 1462) in memory of Ronald Paul Bolduc of Augusta, a well-beloved state public servant.

Presented by Mr. Carter of Winslow.

The Resolution was read and adopted and sent up for concurrence.

Mr. Carter of Winslow presented the following Joint Resolution out of order by unanimous consent:

A Joint Resolution (H. P. 1461) in memory of Jerome Bolduc of Winslow.

Presented by Mr. Carter of Winslow.

The Resolution was read.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The community of Winslow was deeply saddened on Sunday last, April 17, when it learned that Jerome Bolduc, one of its most beloved and admired citizens had passed away during the early morning hours, and barely 24 hours later, the community received another shock when it learned that Jerome's younger brother, Ronald, who had just made the funeral arrangements for his brother, had also passed away during the morning. Consequently, a double funeral was held on this past Wednesday for both brothers.

They were both dedicated public servants and will be sadly missed by everyone whose lives they touched.

Jerome retired because of illness this past August from the Department of Adjutant General where he had served as an administrative technician. He was also retired from the National Guard after 30 years of service. Throughout his life, Jerome was deeply concerned and very active in every facet of community life. He was always striving to help his fellow man and working for a better community.

Ronald was equally dedicated. He served as assistant deputy warden and was director of the minimum security unit at the Maine State Prison at Thomaston for 17 years. He transferred to the Department of Mental Health and Corrections in Augusta two years ago and was serving as Director of Community Correctional Programs at the time of his death.

I was privileged to have known both Jerome and Ronald very well over the years as we were born and brought up together. I was also privileged to have worked on many community projects with Jerome. A great void now exists with their passing, and I know that both Jerome and Ronald will be sadly missed by all who came to know them or who in some way or another came into contact with them during their short stay on this earth.

Thereupon, the Resolution was adopted and sent up for concurrence.

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to share with you a concern that has enveloped me this morning as I find nine amendments flooding our desks on the moose bill. I contend that at least half of them are frivolous, and when you realize that these amendments cost the State of Maine \$200 a copy, I think we are seeing an abuse of the power that each one of us has.

I only wanted to call it to your attention to express my concern over the matter and to remind us all that every action of this type, whether it be an amendment or material that we legitimately want the House to consider, should be viewed in the light of the fact that we don't do anything around here that doesn't cost money.

(Off Record Remarks)

On motion of Mr. Gould of Old Town,  
Adjourned until nine o'clock tomorrow morning.