

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

HOUSE

Monday, March 13, 1978

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

Prayer by the Reverend Ehrmann B. Bennett of the 1st Baptist Church, Freeport.

Reverend BENNETT: As we approach God in prayer, let us look to His word for two or three verses from Proverbs Chapter 14, Verse 34, Righteous exhalted the nation, but sinners are reproched to any people. And in Psalm 33, Verses 8 and 12, Let all the earth fear the Lord; let all the inhabitants of the world stand in awe of Him. Blessed is the nation whose God is the Lord and the people whom He hath chosen for His own inheritance.

Our heavenly Father, we thank You for the privilege of opening this day's business in prayer. We thank You for Your wisdom and Your guidance and we pray that Thou will guide our minds in each matter that we deliberate and each issue that we consider. Wilt Thou give us Thy will, Thy direction, Thy discernment as we weigh these matters and as we vote. Wilt Thou guide each member of the House, wilt Thou bless abundantly in their lives. Wilt Thou exhalt Thy name in our midst and guide us in Thy work. All of this we ask in Jesus name and for His sake. Amen.

The members stood at attention during the playing of the National Anthem by Representative Stephen Gould of Old Town.

The journal of the previous session was read and approved.

Messages and Documents

The following Communication:

STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
COMMITTEE ON LABOR

March 10, 1978

Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04330

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Labor has completed all business placed before it by the 108th Legislature.

Total Number of Bills	13
Unanimous Reports	10
Leave to Withdraw	2
Ought Not to Pass	0
Ought to Pass	3
Ought to Pass as Amended	5
Divided Reports	6
Total Number of Amendments	6

Respectfully,

Signed:

DAVID W. BUSTIN
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
COMMITTEE ON NATURAL RESOURCES

March 10, 1978

The Honorable John L. Martin
Speaker of the House
House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Natural Resources has completed all business placed before it by the Second Regular Session of the 108th Maine Legislature.

Total Number of Bills Received	9
Unanimous Reports	8

Ought to Pass	1
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Leave to Withdraw	2
Divided Reports	1

Sincerely,

Signed:

WILLIAM B. BLODGETT
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
LOCAL AND COUNTY GOVERNMENT

March 10, 1978

The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Local and County Government has completed all action necessary on the business placed before it by the Second Regular Session of the 108th Legislature.

Total Number of Bills Presented	10
Unanimous Reports	9
Ought to Pass	4
Ought to Pass as Amended	5
Ought to Pass in New Draft	0
Leave to Withdraw	1
Divided Reports	1
Recommitted Bills	1

Sincerely,

Signed:

JAMES S. HENDERSON
House Chairman

The Communication was read and ordered placed on file.

Orders

On motion of Mr. Henderson of Bangor, the following Joint Order: (H. P. 2226)

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill, "An Act Extending the Time for Apportionment of County Taxes from March to April in the Year 1978"

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

An Expression of Legislative Sentiment (H. P. 2227) recognizing that: The Saints of St. Dominic Regional High School of Lewiston have, with their able coach, Yvon Pellerin, won the State Scholastic Hockey Championship for 1978.

Presented by Mr. Raymond of Lewiston (Under suspension of the rules — Cosponsors: Mr. Jalbert of Lewiston, Mr. Cote of Lewiston, Mrs. Berube of Lewiston, Mr. Biron of Lewiston, Mr. Jacques of Lewiston, Senator Mangan of Androscoggin, Senator Minkowsky of Androscoggin)

The Order was read.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take this opportunity to publicly congratulate St. Dominic's Regional High School, one very small Parochial School that has, on many occasions, shown not only that they were able-bodied people scholastic-wise but also in sports. St. Dominic's High School has, in the last 27 years, won 15 State Hockey Championships. I wish to thank them and congratulate them in the name of the people of Lewiston and the State of Maine and also wish them well in the upcoming New England tournament.

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

A Joint Resolution (H. P. 2224) in memory of Clyde R. Chapman, Esq., of Belfast, a distin-

guished judicial servant.

Presented by Mr. Drinkwater of Belfast (Cosponsors: Mrs. Hutchings of Lincolnville, Mr. Shute of Stockton Springs, Senator Greeley of Waldo)

The Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: In addition to Mr. Chapman's many accomplishments, one of them was that he served here in the House as Clerk. I don't have the years, but it was for more than one year that he served here in that capacity. He also served as Maine's Attorney General. He was judge of the Belfast Municipal Courts back in the days of the municipal courts. He was Waldo County Attorney. He served as the Belfast City Solicitor, I believe, for over 25 years, and during that time never sent a bill to the City of Belfast for anything that he did. He was former president of the National Association of Attorneys General.

Mr. Chapman is survived by his wife, May Humphrey Chapman, who was a former Assistant Clerk of this House.

Mr. Speaker, I am proud to say that I knew this outstanding gentleman and had the pleasure of working with him and receiving his words of wisdom and advice.

I move passage of the Resolution.

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Leonard R. Lougee of Island Falls be excused March 10, 1978 for legislative business; and be it further

ORDERED, that Frank Peltier of Houlton be excused March 10, 1978 for legislative business.

House Reports of Committees

Ought to Pass

Mrs. Berube from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1978 (Emergency) (H. P. 2228) (L. D. 2188)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1871) (L. D. 1928) Bill "An Act to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure" — Committee on Labor reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar under listing of the Second Day, later in today's session.

Second Reader

Later Today Assigned

Bill "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute" (H. P. 2183) (L. D. 2175)

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

On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and later today assigned.

Passed to Engrossed

Resolve, for the Laying of the County Taxes and Authorizing Expenditures of Aroostook county for the Year 1978 (Emergency) (H. P. 2217) (L. D. 2185)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concur-

rence.

Passed to Be Enacted

"An Act to Amend the Crime of Assault on a Law Enforcement Officer" (S. P. 661) (L. D. 2032) (C. "A" S-444; Conf. Com. "A" H-1130)

"An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System" (H. P. 1885) (L. D. 1939) (S. "A" S-522 to C. "A" H-984)

"An Act to Require Contracts for the Installation of Insulation" (H. P. 1941) (L. D. 2105) (H. "A" H-1125 to C. "A" H-1115)

"An Act Relating to the State Board of Social Worker Registration" (H. P. 1936) (L. D. 2016) (S. "B" S-520 to C. "A" H-1107)

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

"An Act to Improve the Short-term Investment Capabilities and Debt Management of the State" (H. P. 1975) (L. D. 2061) (S. "A" S-517; C. "A" H-1098)

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

Mr. Marshall of Millinocket requested a roll call vote.

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

ROLL CALL

YEA — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Carey, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Jacques, Jalbert, Jensen, Joyce, Kany, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mackel, Mahany, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Pearson, Perkins, Plourde, Prescott, Quinn, Raymond, Rideout, Shute, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Brown, K.L.; Carter, F.; Connors, Cunningham, Devoe, Dexter, Dudley, Durgin, Fenlason, Gillis, Gray, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lynch, Marshall, Masterman, McPherson, Morton, Peterson, Rollins, Sewall, Smith, Tarbell, Tarr.

ABSENT — Birt, Boudreau, P.; Carrier, Carroll, Dutremble, Hobbins, Lougee, Lunt, Mills, Najarian, Peakes, Peltier, Post, Silsby, Theriault, Twitchell, Tyndale.

Yes, 104; No, 30; Absent, 17.

The SPEAKER: One hundred and four having voted in the affirmative and thirty in the negative, with seventeen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

Passed to Be Enacted

Emergency Measure

"An Act to Lower the Costs of Medical Mal-

practice Arbitration" (H. P. 1964) (L. D. 2051) (C. "B" H-1121)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1978 (H. P. 2205) (L. S. 2181)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1978 (H. P. 2204) (L. D. 2180)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against, and accordingly, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1978 (H. P. 2206) (L. D. 2182)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The pending question before the House is on final passage of the Resolve. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Cow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Paul, Pearson, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl,

Stover, Strout, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Brown, K. L.; Marshall, Tarbell. ABSENT — Carrier, Dutremble, Hobbins, Lougee, Lunt, Palmer, Peakes, Peltier, Silsby, Spencer, Theriault, Twitchell, Tyndale.

Yes, 134; No, 3; Absent, 14.

The SPEAKER: One hundred and thirty-four having voted in the affirmative and three in the negative, with fourteen being absent, the Resolve is finally passed.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act Concerning the Number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement." (S. P. 689) (L. D. 2123) (H. "A" H-1134)

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

Order Out of Order

On motion of Mr. Carroll of Limerick, the following Joint Order: (H. P. 2225)

WHEREAS, there are a considerable number of private air strips in the State; and WHEREAS, many of those air strips provide opportunity for the flying public to utilize the facility; and

WHEREAS, the users of these facilities pay aeronautical taxes; and

WHEREAS, no direct state assistance is made available for maintaining or improving these airstrips; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall study, review and evaluate the subject of revenues produced at private air strips throughout the State, the need for maintenance or improvements of these air fields and the desirability of state assistance at these locations; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations including copies of any recommended legislation; and be it further

ORDERED, that upon passage of this Order in concurrence, the Clerk of the House shall forward a suitable copy of this Order to the Senate and House chairmen of the committee.

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a response on the part of the Transportation Committee, as I understand it, to some pressure from some individuals who own private air strips or persons owning private air strips. It just seems to me that since there has never been a bill presented that would have addressed this matter, that one ought to be presented, and if it is turned down or if there is some controversy, then there ought to be an Order to study the situation. Since no bill has ever been presented, and since I believe this Representative would be willing to do so, I think that it should take that form, of introducing a bill instead of having a study order before the fact.

I would move indefinite postponement of this Order.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I feel that this Order is keeping faith with the people that own private air strips throughout the state that are going to be taxed when they register their air strips, and would want to show them that we are acting in good faith and we want to try to

become more knowledgeable of the problems a private air strip owner has, the fact that he received no monetary help from the State of Maine, he provides a facility that could be used by many people at no cost at any time to the State of Maine, and that was the purpose of the Order.

I certainly hope that the Order will receive passage.

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

Mr. PEARSON: Mr. Speaker, I withdraw my motion of indefinite postponement and would ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope this morning that the House will vote for this Order. In Brewer, this is one of the problems that we have and it is a great problem. If there is one thing that I probably hear anything about or hear more about than anything else, it is this air strip in Brewer and the fact that the people there have to pay for everything themselves.

So, I would certainly hope that you would allow this Order to go along, and regardless of the outcome, at least my people would feel that some attention had been given to their problem and that we know that they do have a problem and we would have a chance to study it and find out if there is anything that can be done. So, I hope you vote for the passage of this Order this morning.

The SPEAKER: The pending question before the House is on passage of the Joint Order. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 19 in the negative, the Order received passage and was sent up for concurrence.

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

Petitions, Bills and Resolved Requiring Reference

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

Performance Audit

Bill "An Act to Revise the Maine Sunset Law and State Agency Rules Law" (Emergency) (H. P. 2229) (Presented by Mr. Wilfong of Stow) (Cosponsor: Mr. Palmer of Nobleboro) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Garsoe of Cumberland,
Recessed until 11:15 A.M.

After Recess 11:15 A.M.

The House was called to order by the Speaker.

Orders of the Day

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

Resolution, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office (H. P. 1886) (L. D. 1943) — In House, Failed of Final Passage on March 9. — In Senate, Finally Passed in non-concurrence.

Tabled — March 10, 1978 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

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

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

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

Mr. DEVOE: Mr. Speaker and Members of the House: I rise today to speak in favor of the motion that we recede and concur.

Last Thursday, I made remarks which, at the time, I believed in very sincerely and I offered them to the House for its consideration. Since then, I have done a great deal of thinking, talking with colleagues here in the House, fellow members of the Judiciary Committee, and I have been able to read a particularly illuminating article in the Law Review, which has convinced me now that we must pass L. D. 1943.

First of all, we have to address the problem of what do we do when we have judges that we disagree with? All of us, whether we be laymen or lawyers, have encountered a situation where a judge has made a decision that we are violently opposed to. First of all, we have to remember, in that instance, that when a judge takes an oath of office, he has to sacrifice the comfort of a closed mind. He has to address both sides of the question in reaching a decision. This is not an easy task that we give our judges, be they law court judges, Superior Court judges or District Court judges. A judge knows that he is only going to be popular rarely more than 50 percent of the time. The parties who win their cases in his court will be delighted with his wisdom. Those who lose are often-times bitterly disappointed.

To realize where we are now, we have to realize where we have come from. In the 17th Century, judges were creatures of the king. They held office at his pleasure and were subject to his instant dismissal if they rendered a decision that displeased him. When the king died, the judges then in office went out of office and were replaced by creatures of the new king. The judge in that time who was most likely to succeed was the one best able to guess what the king wanted of him. Then we had the long parliament in 1640 and for the first time we had the concept that judges be secure in office during their good behavior. The Act of Settlement in 1701 established, for the first time in the English Parliament, tenure during good behavior.

We have to realize that the colonies were just then being settled and growing, and when the United States Constitution was adopted, it provided for life tenure and irreducible salaries for the federal judiciary, except in cases warranting impeachment.

In events in the colonies, I submit, from 1775 to 1790, convinced the colonists that an unchecked legislature was potentially as tyrannical as an unchecked king. Marberry vs. Madison was decided and, for the first time, the Supreme Court of the United States asserted that it could judge the constitutionality of legislation. No need to remind any students of American History that that decision evoked a bitter partisan fight in the colonies in the early states, but it established a precedent of a judicial check upon the legislature, both for federal as well as state courts, and it started a dialogue of judicial power that has not yet abated. Separation of powers is more easily said than done, but it was done early in the republic and we still have that tradition in this state.

Now we arrive at the question of who can best judge judges. We have to remember that the period of Jacksonian democracy changed the outward forms of our courts by giving top priority to popularity as a judicial qualification. People who were fixed on the course towards popular and hence popularly elected judges realized that in a 20- or 25-year period, from 1846 to 1865 or 1870, a majority of the states took steps to popularly elect judges. That movement has now abated.

I have referred here to the method of selecting judges, and I think that leads me into the

question which, I agree with all of my colleagues here in the House, is very troublesome — how do we judge judges once they are in office?

I think the statement that has led me to change my thinking on this matter is that of a former President, Thomas Jefferson, who said that everyone in public office should be answerable to someone — everyone in public office should be answerable to someone.

We have presently only two methods in the state, impeachment and address, in order to remove judges. I submit to you that each of these are too drastic and, in the clamor of debate in either the House or the Senate, may lead to a situation where the individual right and protection which an unpopular judge, even, would be entitled to could well be trampled upon in the heat and the emotion of a debate in either the House or the Senate. It is for this reason that I favor the vehicle which a judicial qualifications commission would provide us, where rules established by our own law court could do two things, provide a mechanism for the hearing of a complaint, be it justified or unjustified, and also, at the same time, provide safeguards for the constitutional rights of perhaps unpopular judges who are being called into question.

When you think of it, the problem of disqualification of judges, whether for incapacity or even for other reasons, is something like the problem of removing a defective vessel from a china shop without damaging the sound ones nearby. We have that problem. In the judiciary, as in every other walk of life, a bad man is as hard to lose as a good man may be hard to find.

When the state and when the bench can quit itself of a burdensome member through the actions of a commission, it gains as much as the Bar and the general public. I submit this idea to you, my colleagues — it also reaps added benefits from each judge's awareness that he must meet reasonable standards of competence and behavior in relation to his office.

Moreover, once judges are held to an impartial commission, there, in my opinion, is no longer a case for subjecting them to the popular or the powerful will of the day. An unpopular judge is just as much entitled to constitutional safeguards and protections as one who is very popular, and I submit that by the passage of this constitutional resolution, we will open up the mechanism by which the rights of someone in the judiciary who is subject to public criticism can be protected.

We have reached the point now where we have to have a method for judging our judges properly short of the rather drastic method of impeachment or address. I think we have arrived at this point and, my colleagues in the House, I ask you, please support L. D. 1943.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hold in high regard my good friend from up in the upper part of the Penobscot River, Mr. Devoe, and I am somewhat surprised that he has, in fact, over the weekend taken a different viewpoint than he had previous to today concerning his position of last week.

When Judge McKusick was before this body giving the State of Judiciary, he said the courts are performing well and that the judiciary itself is sound. I can believe that and accept that. He is an honorable man representing a very honorable and important part of our government, the judiciary.

Mr. Devoe stated here this morning that there should be a separation in terms of which branch housekeeps and looks after its own needs. I think that is an important consideration for us to view here today. He stated about the drasticness of an impeachment proceeding against an individual of the court for improper manner, and I suggest to this House, the procedure is not cumbersome and it should be diffi-

cult to do, because when one individual or others attempt to intimidate or to give a different position on a person in public life, I think that that mechanism should be so properly together that in fact the parties that are accusing, as well as the accused, have to go before what we now have, a very traditional mechanism to so state their cases.

In the debate that has been presented in our respective caucuses this morning, there has been no clear illustration of demand that we should change our Constitution by allowing this to be presented to the people.

One of my colleagues in the House spoke this morning in our caucus about letting this go out to the citizens of the state to vote on it, to put our confidence in the citizens of this state. Questions were raised about the confidence of the people of this state dealing with the judges. I would dare say that if the people of Maine had their choice right today, if the government so allowed it, that it would accept the idea of popular elections of the judges because, in fact, in some areas of the state people are not satisfied with their decisions. Decisions by the judges in terms of cases are reached by the laws that we write both in this body and in the other.

I, personally, happen to believe in the appointed system and not the elected process in terms of the justices of this state, because I think we can, in a proper manner, receive high quality and high calibre individuals to serve on the courts.

I stated here the other day and I will again this morning, that I am afraid if this were to pass, we would, in some manner, stifle dissent, if there is ever any in the court, by allowing this to be presented into the hands of a small group of individuals. There should be a separation of powers in government and there should be a mechanism in terms of judgment values dealing with the individuals who serve in their respective bodies, whether it is in this House or the other body, the chief executive downstairs or the courts itself.

I think for the soundness in trying to reach what we believe to be a mechanism in proper housekeeping the judiciary, we should not allow themselves to judge themselves. If, for the sad example, there is misconduct by a member of the judiciary, that, in fact, those issues would be addressed by this body we are sitting in, which is the people's body, and if the wisdom of the majority of this body or two thirds of it feel that impeachment is necessary, then the trial takes place over in the other branch.

The vote was 96 to 44, I believe, as of last week, and I would hope that this House would fail to accept this Constitutional Amendment again this morning.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I am very much opposed to this proposed Constitutional Amendment for various reasons. The first one, of course, in essence, the Supreme Judicial Court, under this proposed amendment, would have the disciplinary authority over the Superior and District Court judges. Regardless of which court division has this authority, it is still a part of the judiciary, and I cannot imagine one part of the judiciary having the authority to discipline another part of the judiciary.

In my view, this proposed amendment is about like the following: taking the legislative bodies that we have now, the House and the other body, and giving the other body, the upper body, the authority to have disciplinary action over this body, that just doesn't seem fair.

As of two years ago, the latest statistics that I did some research on, approximately 37 other states within this nation out of 50, two elect their judges as Mr. Kelleher stated. I am not advocating nor am I suggesting that we go ahead and start electing our judges, but I do

suggest one thing, that at least people in those 37 other states do have more input into their judicial system than they do in this state.

Currently, the only input that the citizens of this state have is through this body right here, and that is very little. Therefore, I don't think we need anymore infractions upon constitutional rights than this body now has, since we are an elected body.

To the comments made by the good gentleman from Orono, Mr. Devoe, the last time that I knew, judges were appointed on their legal expertise and not whether they were popular or unpopular. Therefore, I do hope that you vote against the pending motion.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: The gentleman from Orono, Mr. Devoe, is trying to fog the issue by implying that the only thing that a judge could be wrong on was unpopular decisions. Rejection or impeachment or address of judges is not based upon his decisions and I reject this because I think it is an affront to the intelligence and integrity of this body to imply or to use that to try to get this bill passed. The judges' performance in conduct is why they are questioned, not because they happen to make unpopular decisions.

He further implies that the legislature should have nothing to say as to how the judiciary should conduct themselves. The legislature is answerable to the people every two years; judges are appointed for seven years. No other elected or appointed official enjoys this tenure. Many judges, after a number of years in office, have difficulty distinguishing between being appointed and being anointed.

There was a timely article in this weekend's Bangor Daily News and, admittedly, this is a story about the Supreme Court which, basically, has the same guidelines that we are being asked to pass not only with L. D. 1943 but L. D. 1957, which was passed by this body. I am having this copied and having it distributed in the House. I see it hasn't been distributed yet, so I would like to read one or two paragraphs.

The Supreme Court, in a case that offers a rare glimpse of how the legal profession's ethics shield its members from public embarrassment, has secretly told a former judge that he cannot practice law before it. Not only does the court refuse to disclose that it rejected the application of Hal Beckel who, two years ago resigned from the Florida Supreme Court under the threat of impeachment, but it won't even acknowledge that it received an application from him. Quote: "Not everything that goes on here is made public," said the Supreme Court spokesman, "it is public business, but that doesn't mean that it will become public knowledge."

I look upon bills such as L. D. 1957 and 1943 as legislative approval to further allow, whether it be the legal profession or any other profession, to further draw their wagons into a circle. I think that they should be subject to public scrutiny.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I spoke on this the other day. You all know my feelings about it, but I would say to Mr. Gray, the honorable gentleman, and Mr. Moody, that this does, indeed, follow through the formula that has been set up where there will be three members, non-professional members, of the general public on a review commission.

This whole thing didn't start with the courts, it started with a group of citizens, through Mr. Carter and Mr. Tarbell, that were unhappy because they had no chance to indicate their dissatisfaction with justices for whatever reason it might be. They had no one to go to. If a citizen, tomorrow morning, is dissatisfied with a justice, the only thing that he can do to register

his dissatisfaction is to go to a member of the legislature and ask them to have him impeached or addressed. So, in the time that we spent in committee, we tried to come up and still protect the division of powers, still protect that, and come up with a group of people that could, indeed, if they had a problem with any justice, they would have someone to go to, they could register their complaint and it would not be a situation of going and registering and have the commission make a determination and then forget about it. With the second half of this, you provide the person the right to go all the way to the Supreme Court and have the justice removed. This is from the citizen to the Supreme Court. This is for the people. If you want to give the people a chance to register displeasure with the justices, then you will vote for this this morning.

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

Mr. MOODY: Mr. Speaker, I would like to pose a question through the Chair. I do recall a while ago, approximately six months ago, within our area, I do recall that there was a lot of dissatisfaction with a district court judge and a number of legislators were involved in this as well. The district court judge came back and replied to us that if you have dissatisfaction with me, don't meet with me, go to the Chief Justice of the Maine Supreme Judicial Court. My question is this, currently under Maine Statutes and the Constitution of this state, what authority does the Chief Justice of the Maine Supreme Judicial Court have over the lower court judges?

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

The Chair recognizes the gentlemen from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: At the current time, the Chief Justice has no disciplinary or removal authority over the other judges in the judicial system. There is a possibility that the courts could have adopted a rule, a mechanism for the discipline of judges short of removal, but the removal power right now is clearly subject only to impeachment or address of both houses of the legislature.

The purpose of this Constitutional Amendment is to give the court the authority to establish a committee that can make recommendations and then give the court authority to actually remove a judge who is guilty of misfeasance in office. The purpose of the amendment is to establish a companion approach to judicial discipline that will co-exist alongside the impeachment process. It doesn't eliminate the impeachment process and the legislature would retain that power. It simply would give the Maine Supreme Court the authority to remove a judge for misfeasance in office. My feeling is that there ought to be a mechanism short of impeachment, which is very cumbersome, to enable the court to take action where there is a case of abuse by a particular judge.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, through the Chair I would like to ask a question of some member of the Judiciary committee. At the present time, as I understand it, there are two methods, the method of address and the method of impeachment, and by passage of this Constitutional Amendment, there should be this other avenue open through the judicial system itself. Is there anything in this which changes in any way the appointive power of the Governor? In other words, if this particular body had been addressed as to the incapability or whatever of a judge, the Governor still does appoint or reappoint every seven years, is that true or is it not true?

The SPEAKER: The gentleman from Noble-

boro, Mr. Palmer, has posed a question through the Chair to any member of the Judiciary Committee who may care to answer.

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

Mr. SPENCER: True.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: While many people whose opinions I highly respect support this Constitutional Amendment, I still have not been convinced that I should vote for its enactment. While the present method may be too restrictive, allowing only impeachment or by address of this legislature to the Governor, I believe that this Constitutional Amendment is too lenient. It allows a judge to be removed by a mere majority of the vote of this legislature, and I think that is far too easy.

I don't believe that for the first time Constitutional Amendment has been before this legislature that we should be enacting an amendment of this magnitude in the final days of a hectic 50-day session.

Many people who supported this amendment, Friday they voted against it and today are for it again, and I just wonder, if they had a couple more days to think about it if they might have second thoughts about supporting it, but by then it would be too late.

I really hope that you will vote against final enactment and we can consider it at the next session of the legislature.

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

Mr. MORTON: Mr. Speaker and Members of the House: I would like to address the statement that the gentlelady from Portland just made when she said that this would allow the removal of a judge by a simple majority of this legislature. I have read this and read it, and I heard her say the same thing last week and repudiated last week and I am going to repudiate it again — I do not think that is a correct statement. This would in no way do that. And in the remote possibility that the legislature drafted a set of rules, it would still be the responsibility of the Supreme Judicial Court to act under those rules and carry out the removal process. This legislature would not be in a position to remove by majority vote. I hope I have taken care of that one.

I have listened to the debate this morning, I listened very carefully to the remarks of the gentleman from Orono, and you will recall that the last time he was on his feet, I disagreed with him. I fully agree with the new position he has taken this morning, and I think you will have to agree that he has taken it on the basis of some very careful study.

The gentleman from Bangor, Mr. Kelleher, believes, as I do, in the continuation of the appointive system for judges, and he says he wants misconduct taken care of. That is exactly what this Constitutional Amendment would allow, it would allow misconduct to be taken care of at a level short of the very formal and cumbersome impeachment procedure.

The gentleman from down the road, Mr. Moody, likened this to having the Senate discipline the House. That is exactly what it does not do. Actually, it perpetuates the disciplinary positions that the various branches of state government have. It allows discipline to be taken care of in the judicial branch, just as it is the prerogative of this House to discipline its own members and the prerogative of the body down at the other end of the hall to discipline their own members. The legislature takes care of its responsibilities; the judiciary would be taking care of its responsibilities.

I disagree with the gentleman from Rockland when he spoke to the effect that the gentleman from Orono implied that only unpopular decisions were the reason for having this law on the books. I don't think he said that at all. I think he said matters requiring discipline, and that

could be anything that was in the rules that were laid down by the Supreme Judicial Court.

I would finally remind you that we are not talking here about a decision by one man, we are talking about a decision by the full Supreme Judicial Court, all learned gentlemen of the law who have a very, very important position to uphold the dignity of the law and the dignity of the state in the state, and there is no reason to believe that they would exercise that authority capriciously.

I certainly hope that you will support this amendment this morning.

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

Mrs. KANY: Mr. Speaker and Members of the House: I, too, would like to comment on a comment made by Representative Najarian, and that is, if we reverse our decision today, that would be our last opportunity to vote on this issue. I just wanted to remind the members of this House that if we do, indeed, pass this Constitutional Amendment with our two-thirds, then it would have to go out to the citizens of this state to be approved by the majority of those voting, and we would have another opportunity that day to express our opinions, as well as to try an influence those citizens before they do indeed vote.

Secondly, I would just like to say once again that I believe very strongly that our judges are not royalty, they are the citizens' judges, they are to judge the citizens' laws in form of the constitutional law which has been passed by two thirds of us and approved by the majority of the citizens of this state. They are to judge our statutory law, which has been approved by us, and we are the citizen's legislature, after all, and they are to judge on our administrative law which, at the present time, we don't have much say in. I don't think it hurts to allow one other area in which those judges could be removed. It still will not be easy, but I urge you to reverse the decision of last week and go along with the motion made by Representative Carter of Winslow.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I don't think we have faced and confronted another measure than the one before us that has given me more difficulty, caused me to give great consideration to the merits of the particular measure, because it faces and it really affects the very separation of powers between our two branches of government, the legislative and the judicial. There are three key arguments which have been advanced in opposition to the Constitutional Amendment, and I would like to review them very briefly.

Some people oppose our giving the court power to remove its own because they distrust the Judges will use the power to whitewash judges. In other words, they distrust judges judging judges. Well, bear in mind that the legislative branch would simultaneously maintain its powers of impeachment and address, and if the judiciary ever abused such a power, we still retain our powers of checks and balances by impeachment and address to remove a judge that could, for some unforeseeable reason, be whitewashed by the judicial branch, if that is the fear.

The second point of opposition is the fear that the legislature, through this measure, can statutorily encroach and tinker with the powers of the judicial branch.

Another fear expressed by the gentleman from Bangor, Representative Kelleher, is that such a measure will inhibit judges sitting on the bench from speaking their minds and intimidate them by fear of appraisals from members of their own branch. I think we have to bear in mind that we are establishing and have established last week in committee a commission which has lay people, judges and professional attorneys to act as a buffer between the

law court which would ultimately decide whether or not removal was in order, and it would take this commission's action and recommendation of finding violations before the law court could ever pass upon it. So there is a buffer between a judge and being judged by the law court, which is the commission we created last week.

My basic fear all along has been not that this measure would detract and lessen legislative powers, which I think many colleagues of the House fear we are giving away our powers to the judicial branch, we are not giving away powers to the judicial branch. In fact, we are increasing legislative control over the judicial branch, and that has been my key fear all along, that we are giving additional powers over impeachment and address for this legislative branch to statutorily tinker with the powers of removal of judges. I think that the only response to that fear of legislative encroachment of the judicial branch is that two weeks ago we did pass enabling legislation to establish a commission by statute to pass upon matters of judicial discipline and disability, and where we have already established that precedent, where we have already set up that machinery, I think that it would be extremely difficult for the legislature to step in an repeal that and to alter it in such a way that it would be an unfair encroachment upon the judicial branch.

I would say that those are three key arguments that have been expressed round and round and round, and I would think that we have aired this with sufficient debate, that we ought to be able to move forward and pass this very noble piece of legislation. I would urge you to recede and concur.

Mr. Greenlaw of Stonington, requested a roll call vote.

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

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: A parliamentary inquiry. Does this require a two thirds of those present and voting?

The SPEAKER: The Chair would advise the gentleman from East Millinocket, Mr. Birt, that at the present time, since the motion to recede and concur would mean final passage of the Resolution, the Chair would advise the gentleman and members of the House this will need a two-thirds vote for final passage.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I support the stand of Representative Devoe and I admire him very much after hearing him this morning. However, too many lawyers spoke on this bill, and I feel now that I must rise to clarify the issue.

Our respect and admiration for the performance of the vast majority of judges cannot justify our refusal to confront the reality of abuses in this system. These abuses do exist and will continue to rise on the horizon. This bill, L. D. 1943, will let us get at the abuses, and will improve the administration of our court system in this state. I urge your vote for passage.

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

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pair my vote with the gentleman from Sabattus, Mr. LaPlante. If he were here, he would be voting in the negative and I in the affirmative.

The SPEAKER: The gentleman from Windham, Mr. Diamond, wishes to pair his vote with the gentleman from Sabattus, Mr. LaPlante. If the gentleman from Sabattus, Mr. LaPlante, were present and voting, he would be voting nay and if the gentleman from Windham, Mr. Diamond, were voting, he would be voting yea.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Birt, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Carey, Carter, D.; Churchill, Conners, Cox, Curran, Devoe, Dexter, Drinkwater, Durgin, Elias, Flanagan, Gill, Gillis, Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kany, Killoynne, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBairty, McPherson, Mitchell, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Perkins, Peterson, Plourde, Quinn, Rollins, Sewall, Smith, Spencer, Stubbs, Tarrbell, Tarr, Teague, Tierney, Torrey, Trafton, Truman, Violette, Whitemore.

NAY — Berube, Biron, Blodgett, Brennerman, Brown, K. L.; Burns, Bustin, Carroll, Carter, F.; Chonko, Clark, Connolly, Cote, Cunningham, Davies, Fenlason, Fowlie, Garsoe, Goodwin, H.; Goodwin, K.; Gray, Green, Hunter, Jensen, Kane, Kelleher, Kerry Laffin, Lizotte, Marshall, McHenry, McKean, McMahon, Moody, Nadeau, Najarian, Post, Prescott, Raymond, Shute, Sprowl, Stover, Strout, Talbot, Tozier, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Carrier, Dow, Dudley, Dumtreble, Hobbs, Lougee, Lunt, Mills, Peltier, Rideout, Silsby, Theriault, Twitchell, Tyndale, Mr. Speaker.

PAIRED — Burns, Diamond.

Yes, 85; No, 48; Absent, 15; Paired, 2.

The SPEAKER: Eighty-five having voted in the affirmative and forty-eight in the negative, with fifteen being absent and two paired, and eighty-five being less than two thirds of the members present and voting, the Resolution fails of final passage.

On motion of Mr. Tierney of Lisbon Falls, the House voted to insist.

On motion of Mr. Quinn of Gorham, the House voted to take from the table the first tabled and unassigned matter:

Bill, "An Act to Support Improvement of Air Passenger Services" (H. P. 2048) (L. D. 2110) — In House, Passed to be Engrossed on February 16, 1978. — In Senate, Failed of Engrossment in non-concurrence.

Tabled — February 28, 1978 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mr. Quinn of Gorham, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Quinn of Gorham, the House voted to take from the table the second tabled and unassigned matter:

House Report — "Ought to Pass" in New Draft (H. P. 2139) (L. D. 2159) — Committee on Taxation on Bill, "An Act Relating to the Taxation of the Unorganized Territory" (H. P. 2059) (L. D. 2117)

Tabled — February 28, 1978 by Mr. Quinn of Gorham.

Pending — Acceptance of the Committee Report.

Thereupon, Report was accepted and the New Draft read once. Under suspension of the rules, the bill read the second time.

On motion of Mr. Quinn of Gorham, tabled pending passage to be engrossed and later today assigned.

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

Passed to Be Enacted

"An Act to Revise the Laws Concerning Marine Resources" (H. P. 2146) (L. D. 2166) (S. "B" S-525 and H. "A" H-1113 o H. "A" H-1112)

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

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like, before we enact this bill today, to make a very very brief statement for the record, because I think it is important for the future of the industry that something is written in the record and I do not believe up to this point that anything of substance about the reasons why the changes before us has been debated.

The bill which is before the House today for final enactment is a complete revision of the statutes relating to Marine Resources. I have long believed it is a mistake for Legislation of this magnitude and importance to be enacted without some debate or some statement in the record for future legislatures, the courts and, most importantly, the citizens of this state to make reference to. The Marine Resources statutes have not suffered from a general revision since they were first written, as far as I can tell, although they were subjected to a substantial revision in 1954.

The Department of Marine Resources, in 1975, set as a goal the complete revision of its statutes, and three years later, we have finally reached that goal.

This past fall, the Commissioner of Marine Resources, Vinal Look, Chief Coastal Warden, Donald McIntosh, of the Department of Marine Resources, Edward Bradley and Leslie McCrae of the Attorney General's Office, Johnathan Hull of the Legislative Assistant's Office, the senator from Sagadahoc, Senator Chapman, the gentlewoman from Owls Head, Mrs. Post, the gentleman from Yarmouth, Mr. Jackson, and myself spent better than two months attempting to hammer out a consensus on the redraft of our Marine Resources statutes. It was long and tedious work; there was lots of give and take on both sides. The intent was not to substantially change the content to the statutes, and although there have been some minor changes made, we believe that members of the fishing industry are aware of the changes we have made.

The proposed redraft of the statutes were taken to the Marine Resources Committee. There was a full public hearing on the redraft and there have been a number of working sessions on this draft. It seems to me that the problems we have had been resolved, and the result is something that we hope will serve the fishing industry for many years to come.

As one member of that committee I would like to add something that I think is of substantial concern to the legislature and to the industry. We have not placed any minimum fines in the statutes for violation of our Marine Resource Conservation Laws. I would like to indicate that there is, I think a legitimate and substantial feeling amongst members of the fishing industry that the fines which the courts are imposing today upon violation of our conservation statutes are not substantial enough. I, as one member of the committee, who perhaps would have liked to see a minimum fine on the general penalty law included in this draft but agreed not to do to, would like to indicate to not only the Judiciary but also to the district attorney's offices of this state that I think there is legitimate need for more substantial fines to be imposed for legitimate inf-

ractions of our conservation laws.

As I indicated, Mr. Speaker, men and women of the House, there has been a tremendous amount of work go into the revision of these statutes. I think it is something that we can be proud of, and I would hope that we would unanimously support final enactment of this bill.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I move we reconsider our action whereby we insisted on L. D. 1943.

The SPEAKER: The gentleman from Rockland, Mr. Gray, moves that we reconsider our action of earlier in the day whereby the House voted to insist on Resolution Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office, House Paper 1886, L. D. 1943.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the motion to reconsider.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: This is an obvious attempt to lobby at least eight individuals in this House, and with only seven days left, I would hope that we could move to adhere.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Vote no. It has got to go over their anyway, and I am sure we are going to see it again, so let's get it down to the Senate and we will take our chances.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Gray, that the House reconsider its action whereby it voted to insist on L. D. 1943. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 19 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

On motion of Mr. Jackson of Yarmouth, Recessed until three-thirty in the afternoon.

After Recess

3:30 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute" (H. P. 2183) (L. D. 2175) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1143) was read by the Clerk and 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 Relating to the Taxation of the Unorganized Territory" (H. P. 2139) (L. D. 2159) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Carey of Waterville offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1145) was read by the Clerk and adopted.

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question to the gentleman from Waterville as Chairman of the Committee, or any other member of the committee who may be able to answer. I would like to know exactly which types of services in the unorganized territory would be covered under this bill?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to any member of the Taxation Committee who may care to answer.

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

Mr. CAREY: Mr. Speaker, the services that would have to be paid for would be those very same services that a municipality has. I am speaking of fire protection, police protection, zoning. There may be others, but those things in particular.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, I just wanted to ask through the Chair the present capitalization rate.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a question through the Chair to the gentleman from Waterville, Mr. Carey, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CAREY: Mr. Speaker, the present capitalization rate is 10 percent, and the bill had asked for an 8½ percent rate.

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

Mr. MACEACHERN: Mr. Speaker, one question to the gentleman from Waterville. I was wondering what effect this might have on the forestry districts, if any?

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, has posed a question through the Chair to the gentleman from Waterville, Mr. Carey, who may answer if he so desires.

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

Mr. CAREY: Mr. Speaker, on the forestry districts, I would defer to the gentelady from Owls Head, Mrs. Post, who has been chairing the subcommittee that has been dealing specifically with the tree growth law as such.

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

Mrs. POST: Mr. Speaker and Members of the House: Had the members of leadership wished to inquire before what the status of this bill was, I could have told them that the amendment that was just put on actually belonged on another bill. We met this afternoon and actually the way the bill stands presently is unconstitutional. An amendment is being prepared by the subcommittee, so I would suggest that somebody table it for one legislative day.

Whereupon, on motion of Mr. Carey of Waterville, the House reconsidered its action whereby House Amendment "A" was adopted. The same gentleman withdrew House Amendment "A".

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This is a great concern to me. I have a couple of towns within my district that are involved in the forestry districts. During the last four years, I have been attempting to get them removed from the forestry district. Since the time that they were involved with the forestry districts, they have formed their own fire departments, they take care of their own fires, their forest fires, their house fires and everything else. I was informed during the 107th that when my bill was killed to

remove one of my towns from the forestry district, there would be a bill in the 108th that would take care of all towns involved in the forestry districts. I wonder if possibly somehow this could be accomplished with this vehicle that we have before us. I think it is kind of senseless for a small town like the town of Medway to be paying \$12,500 a year into a forestry district when they have their own fire department and they can take care of their own problems. I would like to have an answer to my question.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and tomorrow assigned.

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

The following Communication:
THE SENATE of MAINE
AUGUSTA

March 13, 1978

The Honorable Edwin H. Pert
Clerk of the House
108th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Accepted the Conference Committee Report on Resolve, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After their Mandatory Retirement Age, Years of Service Requirement or Age and Years of Service Requirement or Age and Years of Services Requirement, (H. P. 2101) (L. D. 2140).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was Read and Ordered Placed on File.

Divided Report
Tabled and Assigned

A Majority of the Committee on Marine Resources reporting "Ought to Pass" on Resolve, Directing the Commissioner of Marine Resources to Notify Municipalities of the Minimum Size Limitation Provision of the Municipal Shellfish Conservation Program (Emergency) (S. P. 736) (L. D. 2186)

Report was signed by the following members:

Messrs. LEVINE of Kennebec
CHAPMAN of Sagadahoc
HEWES of Cumberland
— of the Senate.

Messrs. JACKSON of Yarmouth
NELSON of Roque Bluffs
FOWLIE of Rockland
BUNKER of Gouldsboro

Mrs. POST of Owls Head
Mr. BLODGETT of Waldoboro
— of the House.

A Minority of the same Committee reporting "Ought to Pass" on Bill "An Act to Establish a Two-Inch minimum Size for Soft Shell Clams" (S. P. 737) (L. D. 2187)

Report was signed by the following members:

Messrs. CONNORS of Franklin
GREENLAW of Stonington
— of the House.

Came from the Senate with the majority "Ought to Pass" Report read and accepted and the Resolve (S. P. 736) (L. D. 2186) passed to be engrossed.

In the House: Reports were read.

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

Mrs. POST: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentlewoman from Owls Head, Mrs. Post, moves that the House accept the Majority "Ought to Pass" Report in concurrence.

The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Owls Head, Mrs. Post, moves that the House accept the Majority "Ought to Pass" Report in concurrence.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would ask you to oppose the majority report this afternoon and I will try to be very brief as to the reasons why I think you should. I think this resolve is blantly ridiculous, and I think it tells Commissioner Look to do the job that he should be doing. All the resolve does is tell him that he has to inform the municipalities that they can enact a shellfish conservation ordinance which has a minimum size for harvesting clams.

Let me tell you how blantly ridiculous this is. A good number of town meetings are held on the first Monday in March, and the local shellfish ordinances have to be adopted at the town meetings. So for this year, I think in many towns this would have little or no effect.

The second reason why I think this is blantly ridiculous is that several weeks ago we were debating clam conservation program. Almost everyone on the committee and in the legislature were extolling the virtues of a two-inch clam law. In fact, the body down the hall killed our compromise shellfish bill in lieu of and in support of a two-inch minimum. But lo and behold, the other body has supported this resolve which, again, I submit is meaningless.

While I don't pretend to speak for the majority of the committee, I think the reason they voted the way they did was based on the letter from the Director of Marine Research, which he states in so many words that the maximum growth rates in some areas may be less than two inches, but the letter also admits, and I quote, "little growth rate information has been available in recent years." And those recent years go back as many as 20 years, the 1940's and the 1950's. On the other hand, the Commissioner of Marine Resources has already indicated that he will approve a two-inch minimum size on clams for local ordinances, but he says no to a statewide clam ordinance, and I submit the reason is that he doesn't want to have the responsibility for the coastal wardens to enforce the law.

In my opinion, the net results of this resolve if a face-saving exercise to say that we did something. Really now, does this resolve pass Mrs. Post's straight-face test?

Let me talk very briefly in support of the minority report which Mr. Connors and I have signed. First of all, I think very honestly I need to tell you I supported the minority report because I have made what I consider a commitment to a lot of clam diggers in the legislative district that I represent to support a minimum two-inch clam law. I think, as I have indicated many times on the floor of this House, that it is about time this legislature struck a blow in favor of conservation.

I indicated several weeks ago that one DMR official already has suggested that the clam production this coming year will perhaps only be 50 percent of what it was last year. I think we are at a point in time when we really have to take a serious look at this, and I think this is one good, sound conservation measure that would help.

I think the obvious reason in support of the minority report is the fact that the clams that are being harvested now are so small that they just don't have the opportunity to reproduce to the extent that I think they should. I think if we do have a two-inch minimum law, the economic benefits from a larger clam to the industry, to the state, the clam diggers, would be quite obvious. I think it is about time that we start some conservation, and I suggest that this is an

appropriate place to do it, and I would ask you to oppose the majority report in favor of the minority report.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think this is another classic example of the dilemma that we keep facing in Marine Resources. Had we passed the first clam bill that came through here, I think it would have addressed some of the problems here.

I will certainly agree that many of the diggers in the state support the so-called two-inch law which Maine had at one point and then repealed. My particular problem with this law is, I feel it is unenforceable. I think it is unenforceable probably where the towns choose to do it.

Looking back into past history a bit, it has been for a long time that when towns submitted in their clam conservation ordinance to enforce a two-inch law, the Commissioner of Marine Resources turned this down. Recently, he has changed his mind on this and said that he would accept any plans that had a two-inch law in it.

There are flats in the state that will never grow a two-inch clam, so any two-inch law that we enact is going to have to make allowance for this.

You have an almost impossible drafting situation saying what flats can be opened to the two-inch clams and what cannot be opened to the two-inch. The law would have to be enforced on the flats; that is, either the town or state warden would have to find the law breakers on the flats, go through their clams that they have dug, measure them, there probably would be a factor in here of 10 percent or something like that that they could have that would be under before they would actually be breaking the law, so he would have to measure all the clams that they had dug.

I think that because you have areas that will never grow a two-inch clam and because of the measurement problems, you are going to have severe problems enforcing this. If it is to be done at all, I think it should be done on the town level. This would make the towns very aware that they have the power to enforce the two-inch law and put it in as part of their ordinance.

The commissioner has stated that he is very much against it and feels that he cannot expect the wardens to enforce this and there are just not enough wardens and not sufficient time to do it.

On this basis, I would hope that you would accept the majority report of the committee and would pass this.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the previous speaker on enforcing the clam law, the two-inch law. I think the only way it can be enforced is through the state on a statewide basis. If you take one town that has a two-inch law and the town adjacent to it doesn't have one, we are going to start another black marketing in clams.

A number of my towns, the towns of Milbridge, Beals Island — I talked with about 60 in a group at Beals Island and they all supported the two-inch law. I asked them at that time, I said, "Do you people realize what this will do to your clamming industry the first Year?" And they said, "Yes, we do and we are willing to go with that type of restriction on them until the clams can grow back to a size where it pays to dig them."

I hope you will oppose the majority report and accept the minority report.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: A little earlier in the day, I got a note from somebody else sitting in this House and the question was, "Do you know how long a

two-inch clam is?" The answer was, "About two hours worth of debate." I really do hope at four-thirty in the afternoon that that won't be true.

I would urge you to look at a letter that I had circulated earlier in the day, which was from the Department of Marine Resources, and it pretty well gave a synopsis on the department's reasons, biological reasons, for opposing the statewide two-inch clam law. The commissioner made it very clear in testimony to us that he thought this would not be a law which he would be able to enforce, because when you enforce a two-inch clam law, it doesn't mean you can't have any clams under two inches, it means that you can only a certain tolerance, and those tolerances sometimes get mixed up as you transfer them into different containers, etc.

Many of us, because we had heard considerable diggers support in the state, wanted to go further than that and we asked for some biological information from Dr. Anthony, who is our new Department of Marine Resources Biologist, and I think that he took some time and gave some pretty concise reasons, analysis of what the situation would be in this state with a two-inch law.

I would ask you to look in the third paragraph, which really explains the problem that we have. When clam diggers turn over the flats, according to the studies that have been done, they kill about half of the clams that are left behind, either because of breakage in the winter time or are eaten by gulls, so when you turn over the flats and you leave all the clams, say under two inches, half of those will die from the mortality of that digging, he states that if the flats were dug completely twice, up to 75 percent of the clams less than two inches could die due to incidental digger mortality. That is the problem we are really faced with. What he suggests and what actually makes a great deal more sense, what is happening in those municipalities that have their own clam camp conservation programs, is that we take the route of closing off flats entirely; that you do some studies on them and do some clam surveys; you find out that 75 percent of the clams in this flat are less than two inches, okay, we close that for a year and we let the diggers dig somewhere else. That flat rests, there is no mortality or very little mortality, only natural mortality of those small clams, and then you open it up at the end of that period and you close another flat while the same process takes place. That is what is going in many other towns now. Other towns, because they think they can enforce it better, are choosing to try the two-inch clam law.

The department very strongly suggests, not only for enforcement reasons but for reasons that you dig flats, even twice, up to 75 percent of the small clams that are left behind die. What is happening now in the present situation in the State of Maine, the price is going higher, the flats are being dug more and more often, so that digger mortality to those less than two-inch clams is going to be even greater. So, there is no biological reason for setting the minimum sizes at two inches and there is no economic reasons for doing so.

On Page 2, he mentions very specifically that even if we were going to measure for size, there is no single length measurement suitable for the entire coast, and the reason for that is because of different conditions in climate and water temperature, in the kind of soil that they are in, the clams grow to different sizes naturally. There are some areas of the state that you could leave the clams for the 10 years and they will never grow to two inches. So it doesn't make sense for those areas in the state not to ever be harvested just because we happen to have an arbitrary two-inch law statewide and because local communities and/or the department is not willing to take the responsibility for managing on a flat-by-flat basis.

That is why the department has had a change of heart in the last six months and has agreed that it will approve municipal ordinances for two-inch laws where those municipalities want to do it and where it seems to fit their needs, and that is why we ask your support for the majority resolve.

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

Mrs. PRESCOTT: Mr. Speaker, I would like to pose a question through the Chair to anyone who might care to answer it. I would like to know, if we continue to take all of the small baby clams how we intend to have any adult clams left.

The SPEAKER: The gentlewoman from Hampden, Mrs. Prescott, has posed a question through the Chair to anyone who may care to answer if they so desire.

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

Mrs. POST: Mr. Speaker and Men and Women of the House: I think I already gave an answer to that. What we are suggesting as a proper way to manage the clams is to close the flats on a rotating basis. It doesn't do us any good if we leave the baby clams and 75 percent of them die once the flats have been dug over only twice. The situation is not whether or not we allow the small clams to stay within a flat to grow to a marketable size or how it is better to do that. What the department is saying and what the majority of the committee is saying is that it makes sense to do that on a rotating flat-by-flat basis.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Owls Head, Mrs. Post, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will say yes; those opposed will say no.

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

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

Mrs. POST: Mr. Speaker, I move we reconsider.

The SPEAKER: The gentlewoman from Owls' Head, Mrs. Post, moves that we reconsider our action whereby the Majority "Ought to Pass" Report was rejected.

Mrs. Post of Owls Head requested a roll call vote.

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

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

On motion of Mr. Blodgett of Waldoboro, tabled pending the motion of Mrs. Post of Owls Head to reconsider and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Concerning the Charter of the Guilford-Sangerville Water District" (Emergency) (H. P. 2161) (L. D. 2170) which was passed to be engrossed in the House on February 28, 1978.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-537) in non-concurrence.

Non-Concurrent Matter

Bill "An Act to Transfer the Division of Motor Vehicles to the Department of Transportation" (H. P. 2079) (L. D. 2133) which was Indefinitely Postponed in the House on March 9, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1133) in non-concurrence.

In the House:
Mr. Curran of South Portland moved that the House recede and concur.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: This is the bill that, if you will recall, we killed last week on a score of 96 to 47, a little better than two to one. What is it saying essentially is that we are going to transfer the Motor Vehicle Division from the Secretary of State's Office to the Department of Transportation. All the same reasons that you voted against that on a better than two to one vote still prevail, that being that we are creating a humungous agency, one, that really can't deal with now. Number two, the savings are still as questionable today as they were last Thursday. And last but not least, we have a gentleman, who is the commissioner of this agency, who I respect greatly, Mr. Mallar, but even he, I think, would have trouble pulling this one off as far as managing this giant bureaucracy.

I hope that you will stick with your guns and do this under again with a two to one vote.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I do want to call your attention to the pink sheet, the committee amendment that was put on in the other body this morning, I guess. It is filing number H-1133. What this amendment would do is transfer the deputy secretary of state, the gentleman who is currently managing the Division of Motor Vehicle in the Secretary of State's Office to the Department of Transportation to head up the management there. So isn't Mr. Roger Maller who is going to be managing this division, it is Mr. Linwood Ross, who has been managing it in the Secretary of State's Office.

The other day, I stood up and I read from the feasibility report. There are many many good reasons for having this transfer occur. We are getting away from the recordkeeping that has been done in the Secretary of State's Office and into the area of safety, which is one of the functions of the Department of Transportation. So I urge you to reconsider your vote of the other day and please go along with this amendment and the bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that is on there is a committee amendment. It was put on the 9th of March. I don't think it was put on in the Senate.

I think the comments that were made the other day were very valid comments. I don't think that any service agency should also collect its own revenue. I think it is completely wrong.

If there is any desire to change it from the Secretary of State's Office, I think the proper place for it is in the Bureau of Taxation.

I think over many years we have been able to get good service in the Secretary of State's Office and we are not involved in a mammoth bureaucracy that we have in the Transportation Department, even though I have had excellent service from them anytime I have ever gone to them. I think any savings that can be saved is absolutely minimal or they could be accomplished because the property belongs to the state and there is no reason that these buildings couldn't be used to have the Motor Vehicle Division housed right in there. The service is there on some form of small rental.

I think the action taken the other day was the proper action, and I hope you adhere to it.

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

A vote of the House was taken.

26 having in the affirmative and 74 having

voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

The following Communication: (S. P. 738)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE
04333

March 10, 1978

Honorable Joseph Sewall
President of the Senate and
Honorable John Martin
Speaker of the House
Dear Joe and John:

This is to officially notify you that I am today nominating Joseph G. Hakanson of Westbrook to serve on the University of Maine, Board of Trustees. Mr. Hakanson has been nominated to replace Kenneth Ramage whose term has expired.

Pursuant to Maine State Revised Statutes Annotated Title 20 Section 2251, this nomination will require confirmation by the Joint Standing Committee on Education and confirmation by the Senate.

Thank you for your assistance.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

Came from the Senate read and referred to the Committee on Education.

In the House, the Communication was read and referred to the Committee on Education in concurrence.

**Consent Calendar
First Day**

(S. P. 665) (L. D. 2056) Bill "An Act to Establish the Maine Corporation Take over Bid Disclosure Law" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-527)

No objection having been noted, was ordered to appear on the Consent Calendar of March 14 under listing of the Second Day.

**Consent Calendar
Second Day**

(H. P. 1871) (L. D. 1928) Bill "An Act to Revise the Venue Provisions of the Maine Employment Security Commission Appeals Procedure"

No objections having been noted, was passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Mahany of Easton,
Adjourned until 9:30 tomorrow morning.